THE PREROGATIVE OF PARLIAMENTS in ENGLAND:

Proued in a Dialogue (*pro & contra*) betweene a Councellour of State, and a Iustice of Peace.

Written by the worthy (much lacked and lamented) Sir *Walter Raleigh* Knight, deceased.

Dedicated to the Kings Maiestie, and to the House of Parliament now assembled.

Preserued to be now happily (in these distracted Times) *Published*, and

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To the KING.

Sohn Harrington

Most gratious Soueraigne:

THose that are suppreſt and helpeleſſe are commonly ſilent, wiſhing that the common ill in all ſort might be with their particular misfortunes: which diſpoſition, as it is vncharitable in all men, ſo would it be in me more Dogge-like then Man like, to bite the ſtone that ſtroke me: (to wit) the borrowed authoritie of my Souegaigne miſsinformed, ſeeing their armes and hands that flang it, are moſt of them already rotten. For I muſt confeſſe it euer, that they are debts, and not diſcontentments, that your Maieſty hath laid vpon me; the debts and obligation of a friendleſſe aduerſity, farre more payable in all Kinds, then thoſe of the proſperous: All which, nor

the least of them, though I cannot discharge, I may yet endeauour it.

And notwithstanding my restraint hath retrenched all wayes, as well the wayes of labour and will, as of all other imployments, yet hath it left with me my cogitations, then which I haue nothing else to offer on the Altar of my loue.

Of those (most gracious Soueraigne) I haue vsed some part in the following dispute, between a Counsellour of Estate, and a Iustice of Peace, the one dissuading, the other perswading the calling of a Parliament. In all which, since the Norman Conquest (at the least so many as Histories haue gathered) I haue in some things in the following Dialogue presented your Maiestie with the contentions and successes.

Some things there are, and those of the greatest, which because they ought first to be resolued on, I thought fit to range them in the front of the rest, to the end your Maiestie may be pleased to examine your owne great and Princely heart of their acceptance, or refusall.

The first is, that supposition, that your Maiesties Subiects giues nothing but with adiunction of their own interests, interlacing in one and the same act your Maiesties reliefe, and their owne liberties; not that your Maiesties pietie was euer suspected, but because the best Princes are euer the least iealous, your Maiestie iudging others by your selfe, who haue abus'd your Maiesties trust. The fear'd continuance of the like abuse may perswade the prouision.

nision. But this caution, how euer it seemeth at first sight your Maiesty shall perceiue by many examples following but friuolous. The bonds of Subiects to their Kings should alwayes be wrought out of Iron, the bonds of Kings vnto Subiects but with Cobwebs.

This it is (most renowned Soueraigne) that this trafficke of assurances hath beene often vrged, of which, if the Conditions had beene easie, our Kings haue as easily kept them; if hard and preiudiciall, either to their honours or estates, the Creditours haue beene paid their debts with their owne presumption.

For all binding of a King by Law vpon the aduantage of his necessitie, makes the breach it selfe lawfull in a King. His Charters and all other instruments being no other then the suruiuing witnesses of vnconstrained will: Princeps non subiicitur nisi sua voluntate libera, mero moto & certa Scientia: *Necessary words in all the grants of a King witnessing that the same grants were giuen freely and knowingly.*

The second resolution will rest in your Maiesty, leaning the new impositions, all Monopolies, and other grieuances of the people to the consideration of the House; Prouided, that your Maiesties reuenue be not abated, which if your Maiesty shal refuse, it is thought that the disputes will last long, and the issues will be doubtfull: And on the contrary, if your Maiesty vouchsafe it, it may perchance be stiled a yeelding, which seemeth by the sound to braue the Regality.

But (most excellent Prince) what other is it to th'eares of the Wise, but as the sound of a trumpet, hauing blasted forth a false Alarme, becomes but common ayre? Shall the head yeeld to the feet? certainely it ought, when they are grieued; for wisdome will rather regard the commodity, then obiect the disgrace, seeing if the feet *lye in fetters, the* head *cannot be freed, and where the feet feele but their owne paines, the head doth not onely suffer by participation, but withall by consideration of the euill.*

Certainely, the point of honour well weighed hath nothing in it to euen the ballance, for by your Maiesties fauour, your Maiesty doth not yeeld either to any person, or to any power, but to a dispute onely, in which the Proposition and Minor proue nothing without a conclusion, which no other person or power can make, but a Maiesty: yea, this in Henry *the third his time was called a w sedome incomparable. For, the King raised again, recouers his authority: For being in that extremity as he was drtuen with the Queene and his Children,* Cum Abbatibus & Prioribus satis humilibus hospitia quærere & prandia: *For the rest, may it please your Maiesty to consider that there can nothing befall your Maiesty in matters of affaires more vnfortunatly then the summons of a Parliament, with ill successe: A dishonour so perswasiue and aduenturous as it will not onely finde arguments; but it will take the leading of all enemies that shal offer themselues against your Maiesties estate.*

Le

Le Tabourin de la paurete ne faict poinct de breuct: *of which dangerous diſeaſe in Princes, the remedy doth chiefly conſiſt in the loue of the people, which how it may be had and held, no man knowes better then your Maieſty; how to looſe it, all men know, and know that it is loſt by nothing more then by the defence of others in wrong doing. The onely motiues of miſchances that euer came to Kings of this Land ſince the Conqueſt.*

It is onely loue (*moſt renowned Soueraigne*) *muſt prepare the way for your Maieſties following deſires. It is* loue *which obeyes, which ſuffers, which giues, which ſtickes at nothing: which Loue, as well of your Maieſties people, as the loue of God to your Maieſty, that it may alwayes hold, ſhall be the continuall prayers of your Maieſties moſt humble vaſſall,*

Walter Ralegh.

A DIALOGVE BETWEENE A COVNSELLOVR OF STATE, AND A IVSTICE OF PEACE.

COVNCELLOVR. NOw Sir, what thinke you of Mr. *St Johns* triall in Star Chamber? I know that the brute ran that he was hardly dealt withall, because he was imprisoned in the Tower, seeing his dissuasion from granting a Beneuolence to the King was warranted by the Law.

IVSTICE. Surely Sir it was made manifest at the hearing, that Mr. *St. Iohn* was rather in loue with his own letter, he confessed he had seene your Lordships letter before hee wrote his to the Maior of *Marlieborough*, and in your Lordships letter there was not a word whereto the Statutes by Mr. *St. Iohn* alledged, had reference; for those Statutes did condemne the gathering of money from the Subiect, vnder title of a free gift, whereas a fift, a sixt, a tenth, &c was set downe and required. But my good Lord, though diuers Shires haue giuen to his Maiestie, some more, some lesse, what is this to the Kings debt?

Counf. We know it well enough, but we haue many other proiects.

Iust. It is true my good Lord: but your Lordship will find, that when by these you haue drawne many petty sums from the subiects, & those sometimes spent as fast as they are gathered, his Maiesty being nothing enabled thereby, when you shall be forced to demand your great aide, the Countrey will excuse it selfe in regard of their former payments.

Counf. What meane you by the great ayde?

Iust. I meane the ayde of Parliament.

Counf. By Parliament, I would faine know the man that durst perswade the King vnto it, for if it should succeed ill, in what case were he?

Iust. You say well for your selfe my Lord: and perchance you that are louers of your selues (vnder pardon) do follow the advice of the late Duke of Alua, who was euer opposite to all resolution in businesse of importance; for if the things enterprized succeeded well the advice neuer came in question: If ill, (whereto great vndertakings are comonly subiect) he then made his advantage by remembring his Countrey councell. But my good Lord, these reserued Politicians are not the best seruants, for he that is bound to adventure his life for his master, is also bound to adventure his advice, *Keepe not backe counsell* (saith *Ecclesiasticus*) *when it may doe good.*

Counf. But Sir, I speake it not in other respect then I think it dangerous for the King to assemble the three estates, for thereby haue our former Kings alwayes lost somwhat of their prerogatiues. And because that you shall not think that I speake it at randome, I will begin with elder times, wherein the first contention began betwixt the Kings of this land, and their subiects in Parliament.

Iust. Your Lordship shall doe me a singular fauour.

Counf. You know that the King of England had no formall Parliament til aboue the 18. yeare of Henry the first, for in his 17. yeare, for the marriage of his daughter, the King raised a tax vpon euery hide of land by the advice of his pri-

ny councell alone. But you may remember how the subiects soone after the establishment of this Parliament, beganne to stand vpon termes with the King, and drew from him by strong hand and the sword the great *Charter*.

Iust. Your Lordship sayes well, they drew from the King the great *Charter* by the sword, and hereof the Parliament cannot be accused, but the Lords.

Couns. You say well, but it was after the establishment of the Parliament, and by colour of it, that they had so great daring, for before that time they could not endure to heare of St. *Edwards* lawes, but resisted the confirmation in all they could, although by those lawes the Subiects of this Iland were no lesse free then any of all *Europe*.

Iust. My good Lord, the reason is manifest; for while the Normans & other of the French that followed the Conquerour, made spoile of the English, they would not endure that any thing but the will of the Conquerour should stand for Law: but after a discent or two when themselues were become English, & found themselues beaten with their own rods, they then began to sauour the difference betweene subiection and slauery, & insist vpon the law, *Meum & Tuum*: & to be able to say vnto themselues, *hoc fac & vives*: yea that the conquering English in Ireland did the like, your Lordship knowes it better then I.

Couns. I thinke you guesse aright: And to the end the subiect may know that being a faithfull seruant to his Prince he might enioy his owne life, and paying to his Prince what belongs to a Soueraigne, the remainder was his own to dispose. Henry the first to content his Vassals, gaue them the great *Charter*, and the *Charter of Forrests*.

Iust. What reason then had K. Iohn to deny the cōfirmatiō?

Couns. He did not, but he on the contrary confirmed both the Charters with additions, and required the Pope whom he had thē made his superior to stregthen him with a *goldē bull*.

Iust. But your honour knowes, that it was not long after, that he repented himselfe.

Couns. It is true, & he had reason so to do, For the Barons

refused to follow him into *France*, as they ought to haue done, and to say true, this *great Charter* vpon which you insist so much, was not originally granted Regally and freely: for *Henry* the first did vsurpe the Kingdome, and therefore the better to assure himselfe against *Robert* his eldest brother, he flattered his Nobility and people with those Charters. Yea King *Iohn* that confirmed them had the like respect: for *Arthur* Duke of *Bretaine*, was the vndoubted heire of the Crowne, vpon whom *Iohn* vsurped. And so to conclude, these Charters had their originall from Kings *de facto*, but not *de iure*.

Iust. But King *Iohn* confirmed the Charter after the death of his nephew *Arthur*, when he was then *Rex de iure* also.

Couns. It is true, for he durst doe no other, standing accursed, whereby few or none obeyed him, for his Nobility refused to follow him into *Scotland*: and he had so grieued the people by pulling downe all the Parke pales before harvest, to the end his Deere might spoile the Corne; And by seizing the temporalities of so many Bishoprickes into his hands, and chiefely for practising the death of the Duke of *Brittaine* his Nephew, as also hauing lost *Normandy* to the *French*, so as the hearts of all men were turned from him.

Iust. Nay by your fauour my Lord, King *Iohn* restored K. *Edwards* Lawes after his absolution, and wrote his letters in the 15. of his Reigne to all Sheriffes, countermanding all former oppressions, yea this he did notwithstanding the Lords refused to follow him into *France*.

Couns. Pardon me, he did not restore King *Edwards* Lawes then, nor yet confirmed the Charters, but he promised vpon his absolution to doe both; But after his returne out of *France*, in his 16. yeare he denied it, because without such a promise he had not obtained restitution, his promise being constrained, and not voluntary.

Iust. But what thinke you? was he not bound in honour to performe it?

Couns.

Counſ. Certainely no, for it was determined the caſe of King *Francis* the firſt of *France*, that all promiſes by him made, whilſt he was in the hands of *Charles* the fift his enemy, were void, by reaſon the Iudge of honour, which tells vs he durſt doe no other.

Juſt. But King *John* was not in priſon.

Counſ. Yet for all that, reſtraint is impriſonment, yea, feare it ſelfe is impriſonment, and the King was ſubiect to both: I know there is nothing more kingly in a King, then the performance of his word; but yet of a word freely & voluntarily giuen. Neither was the Charter of *Henry* the firſt ſo publiſhed, that all men might plead it for their aduantage: but a Charter was left (*in depoſito*) in the hands of the Archbiſhop of *Canterbury* for the time, and ſo to his ſucceſſours. *Stephen Langthon*, who was euer a Traytor to the King, produced this Charter, and ſhewed it to the Barons, thereby encouraging them to make warre againſt the King. Neither was it the old Charter ſimply the Barons ſought to haue confirmed, but they preſented vnto the King other Articles and orders, tending to the alteration of the whole Commonwealth: which when the King refuſed to ſigne, the Barons preſently put themſelues into the field, and in rebellious and outragious faſhion ſent the King word, except he confirmed them, they would not deſiſt from making warre againſt him till he had ſatisfied them therein. And in concluſion, the King being betrayed of all his Nobility, in effect was forced to grant the Charter of *Magna Charta*, and *Charta de Foreſtis*, at ſuch time as he was inuironed with an Army in the meadowes of *Staynes*, which Charters being procured by force, Pope *Innocent* afterward diſauowed, and threatned to curſe the Barons, if they ſubmitted not themſelues as they ought to their Soueraigne Lord, which when the Lords refuſed to obey, the King enterteined an army of ſtrangers for his owne defence, wherewith hauing maſtered & beaten the Barons, they called in *Lewis* of *France* (a moſt vnnaturall reſolution) to be their King. Neither was *Magna Charta* a law in the 19. of *Henry* the 2. but ſimply a Charter which he

confirmed in the 21. of his reigue, & made it a law in the 25. according to *Littletons* opinion. Thus muchfor the beginning of the great *Charter*, which had first an obscure birth from vsurpation, and was secondly fostered & shewed to the word by rebellion.

Iust. I cannot deny but that all your Lordship hath sayd is true; but seeing the *Charters* were afterwards so many times confirmed by Parliament & made lawes, & that there is nothing in them vnequall or preiudicial to the King: doth not your Honour thinke it reason they should be obserued?

Couns. Yes, and obserued they are in all that the state of a King can permit, for no man is destroyed but by the lawes of the land, no man disseized of his inheritance but by the lawes of the land, imprisoned they are by the prerogatiue where the King hath cause to suspect their loyaltie: for were it otherwise, the King should neuer come to the knowledge of any conspiracy or treason against his Person or state, and being imprisoned, yet doth not any man suffer death but by the law of the land.

Iust. But may it please your Lordship, were not *Cornewallis, Sharpe*, & *Hoskins* imprisoned being no suspition of treason there?

Couns. They were, but it cost them nothing.

Iust. And what got the King by it? for in the conclusion (besides the murmure of the people) *Cornewallis, Sharpe*, & *Hoskins* hauing greatly ouershot themselues, & repented them, a fine of 5 or 600 was laid on his Maiesty for their offences, for so much their diet cost his Maiesty.

Couns. I know who gaue the aduice, sure I am that it was none of mine; But thus I say, if you consult your memory, you shall finde that in those kings which did in their own times confirme the *Magna Charta*, did not onely imprison, but they caused of their Nobility and others to bee slaine without hearing or tryall.

Iust. My good Lord, if you will giue me leaue to speake freely, I say, that they are not well aduised that perswade the King not to admit the *Magna Charta* with the former reser

ſeruations. For as the King can neuer loſe a farthing by it, as I ſhall proue anon; So except England were as Naples is, and kept by Garriſons of another Nation, it is impoſsible for a King of England to greaten and enrich himſefe by any way ſo aſſuredly, as by the loue of his people. For by one rebellion the King hath more loſſe then by a hundred yeares obſervance of Magna Charta: For therein haue our Kings beene forced to compound with Roagues and Rebells, and to pardon them, yea the ſtate of the King, the Monarchy, the Nobility haue beene endangered by them.

Counſ. Well Sir, let that paſſe, why ſhould not our kings raiſe mony as the kings of France doe by their letters and Edicts only? for ſince the time of Lewes the 11. of whom it is ſaid, that he freed the French kings of their Wardſhip, the French kings haue ſeldome aſſembled the States for any contribution.

Iuſt. I will tell you why; the ſtrength of England doth conſiſt of the People and Yeomanry, the Peſants of France haue no courage nor armes: In France euery Village and Burrough hath a Caſtle, which the French call *Chaſtican Villina* every good Citty hath a good Citradell, the King hath the Regimsnes of his guards and his men at armes alwayes in pay; yea the Nobility of France in whom the ſtrength of France conſiſts, doe alwayes aſſiſt their king in thoſe leavies vpon their Tenants. But my Lord, if you marke it, France was neuer free in effect from ciuill warres, and lately it was endangered either to be conquered by the Spaniard, or to be cantonized by the rebellious French themſelues, ſince that freedome of Wardſhip. But my good Lord, to leaue this digreſsion, that wherein I would willingly ſatisfie your Lordſhip is, that the Kings of England haue neuer receiued loſſe by Parliament, or preiudice.

Counſ. No Sir, you ſhall find that the ſubiects in Parliament haue decreed great things to the diſadvantage and diſhonour of our kings in former times.

Iuſt.

Iust. My good Lord, to auoide confusion, I will make a short report of them all, and then your Lordship may obiect where you see cause: And I doubt not but to giue your Lordship satisfaction. In the sixt yeare of *Henry* the 3. there was no dispute, the house gaue the King two shillings of euery plough land within *England*, and in the end of the same yeare he had *escuage* paide him (to wit) for euery Knights fee two markes in siluer. In the fifth yeare of that King, the Lords demanded the confirmation of the Great Charter which the Kings Councell for that time present excused, alledging that those priuiledges, were extorted by force during the Kings Minority, and yet the King was pleased to send forth his writ to the Sheriffes of euery County, requiring them to certifie what those liberties were, and how vsed, and in exchange of the Lords demand, because they pressed him so violently: the king required all the castles & places, which the Lords held of his, & had held in the time of his Father, with those Manors and Lordships which they had heretofore wrested from the Crowne, which at that time (the King being prouided of forces) they durst not deny. In the 14. yeare he had the 15. penny of all goods giuen him vpon condition to confirme the great Charter: For by reason of the wars in *France*, and the losse of *Rochell*, he was then enforced to consent to the Lords in all they demanded. In the 10 of his reigne he fined the Citty of *London* at 50000. markes, because they had receiued *Lewis* of *France*. In the 11. yeare in the Parliament at *Oxford*, he reuoked the great Charter being granted when he was vnder age, & gouerned by the Earle of *Pembroke*, and the Bishop of *Winchester*. In this 11. yeare the Earles of *Cornewall* and *Chester*, Marshall, *Edward* Earle of *Pembroke*, *Gilbert* Earle of *Gloucester*, *Warren*, *Hereford*, *Ferrars* and *Warwicke* & others rebelled against the King, and constrained him to yeeld vnto them in what they demaunded for their particular interest, which rebellion being appeased, he sailed into *France*, and in his 15. yeare he had a 15. of the temporality, and a disme & a halfe of the Spirituality, and withall escuage of euery Knights fee.

Counsel.

Counſ. But what ſay you to the Parliament of *Weſtminſter* in the ſixteenth yeare of the King, where notwithſtāding the warres of *France*, and his great charge in repulſing the *Welſh* rebels, he was flatly denied the Subſedy demanded.

Iuſt. I confeſſe, my Lord, that the houſe excuſed themſelues by reaſon of their pouertie, and the Lords taking of Armes; in the next yeere, it was manifeſt that the houſe was practiſed againſt the King: And was it not ſo, my good Lord thinke you in our two laſt Parliaments, for in the firſt, euen thoſe whom his Maieſty truſted moſt, betrayed him in the vnion, and in the ſecond there were other of the great ones ran counter. But your Lordſhip ſpake of dangers of Parliaments, in this, my Lord, there was a deniall, but there was no danger at all: but to returne where I left, what got the Lords by practizing the houſe at that time? I ſay that thoſe that brake this ſtaffe vpon the King, were ouer turned with the counterbuffe for hee refuſed all thoſe lands which he had giuen in his minoritie, hee called all his exacting officers to accompt, he found them all faulty, hee examined the corruption of other Magiſtrates, and from al theſe he drew ſufficient money to ſatisfie his preſent neceſsitie, whereby hee not onely ſpared his people, but highly contented them with an act of ſo great Iuſtice: Yea *Hubert* Earle of *Kent*, the chiefe Iuſtice whom hee had moſt truſted, and moſt aduanced, was found as falſe to the King, as any one of the reſt. And for concluſion in the end of that yeere, at the aſſembly of the States at *Lambeth*, the King had the fortieth part of euery mans goods giuen him freely towards his debts, for the people, who the ſame yeere had refuſed to giue the King any thing, when they ſaw hee had ſqueaſed thoſe ſpunges of the Common-wealth, they willingly yeelded to giue him ſatisfaction.

Counſ. But I pray you, what became of this *Hubert* whom the King had fauoured aboue all men, betraying his Maieſtie as he did.

Iuſt. There was many that perſwaded the King to put him to death, but he could not bee drawne to conſent, but the

King seized vpon his estate which was great; yet in the end hee left him a sufficient portion, and gaue him his life because hee had done great seruice in former times: For his Maiestie, though hee tooke aduantage of his vice, yet hee forgot not to haue consideration of his vertue. And vpon this occasion it was that the King, betrayed by those whom hee most trusted, entertained strangers, and gaue them their offices, and the charge of his Castles and strong places in England.

Couns. But the drawing in of those Strangers was the cause that *Marshal* Earle of Pembroke moued warre against the King.

Iust. It is true, my good Lord, but hee was soone after slaine in Ireland, and his whole Masculine race, ten yeres extinguished, though there were fiue Sonnes of them, and *Marshall* being dead, who was the mouer and ring-leader of that warre, the King pardoned the rest of the Lords that had assisted *Marshall*.

Couns. What reason had the King so to doe?

Iust. Because he was so perswaded, that they loued his Person, and onely hated those corrupt Counselours, that then bare the greatest sway vnder him, as also because they were the best men of warre he had, whom if hee destroyed, hauing warre with the French, he had wanted Commanders to haue serued him.

Couns. But what reason had the Lords to take Armes?

Iust. Because the King entertained the *Poictouins*, were not they the Kings vassals also? should the *Spaniards* rebell, because the Spanish King trusts to the Neopolitans, Portagues, Millanoies, and other Nations his vassals, seeing those that are gouerned by the Vice-royes & Deputies, are in pollicy to be well entertained, and to be employed, who would otherwise deuise how to free themselues; whereas, being trusted and imploied by their Prince, they entertained themselues with the hopes, that others the Kings vassals doe: if the King had called in the Spaniards, or other Nations, not his

Subiects

Subiects, the Nobilitie of England had had reason of griefe.

Cous. But what people did euer serue the King of England more faithfully then *Gascoynes* did euen to the last of the Conquest of that Duchy.

Iust. Your Lordship sayes well, and I am of that opinion that if it had pleased the Queene of England to haue drawne some of the chiefe of the Irish Nobilitie into England, and by exchange to haue made them good freeholders in England, she had saued aboue two Millions of pounds which were cōsumed in times of those Rebellions. For what held the great Gascoygne firme to the Crowne of England (of whom the Duke of Espernon married the Inheritrix) but his Earldóe of Kendall in England, whereof the Duke of Espernon (in right of his wife) beares the title to this day. And to the same end I take it, hath *Iames* our Soueraigne Lord giuen lands to diuers of the Nobilitie of Scotland. And if I were worthy to aduise your Lordship, I should thinke that your Lordship should do the King great seruice to put him in mind to prohibite all the Scotish Nation to alienate and sell away their inheritance here; for the selling, they not onely giue cause to the English to complaine that the treasure of England is transported into Scotland, but his Maiestie is thereby also frustrated of making both Nations one, and of assuring the seruice and obedience of the Scots in future.

Counf You say well, for though those of Scotland that are aduanced, and enriched by the Kings Maiesties, will no doubt serue him faithfully, yet how their Haires and successours, hauing no inheritance to loose in England may be seduced is vncertaine. But let vs goe on with our Parliament. And what say you to the denial in the sixe & twentieth yeere of his raigne, euen when the King was inuited to come into France by the Earle of March, who had married his Mother, and who promised to assist the King in the Conquest of many places lost.

Iust. It is true, my good Lord, that a subsidy was then denied, & the reasons are delinered in English histories, & indeed the King not long before had spent much treasure in aydingg

the Duke of Britaine to no purpose, for hee drew ouer the King but to drawe on good cõditions for himselfe, as the Earle of *March* his father in Law now did: As the English Barons did inuite *Lewes* of *Frãce* not long before, as in elder times, all the Kings and States had done, and in late yeares the Leaguers of *France* entertained the *Spaniards*, and the French Protestants & Nether lands, Queene *Elizabeth*, not with any purpose to greaten those that aid them, but to purchase to thẽselues an aduantagious Peace. But what say the Histories to this deniall? they say with a world of payments there mentioned, that the King had drawne the Nobilitie drie, and besides, that whereas not long before great summs of money were giuen, and the same appointed to bee kept in foure Castles, and not to be expended but by the aduice of the Peeres; it was beleeued that the same treasure was yet vnspent.

Couns. Good Sir, you haue said enough, iudge you whether it were not a dishonour to the King to be so tied, as not to expend his Treasure, but by other mens aduice as it were by their licence.

Iust. Surely my Lord, the King was well aduised to take the money vpon any condition, and they were fooles that propounded the restraint, for it doeth not appeare that the King took any great heed to those ouerseers. *Kings are bound by their piety, and by no other obligation.* In Queene *Maries* time, whẽ it was thought that she was with child, it was propounded in Parliament, that the Rule of the Realm should be giuen to king *Philip* during the minority of the hoped Prince or Princesse, & the King offered his assurance in great summs of money to relinquish the gouernment at such time as the Prince or Princesse should be of age: At which motion when all else were silent in the House, Lord *Dacres* (who was none of the wisest) asked who shall sue the Kings Bondes, which ended the dispute, for what Bond is betweene a King and his vassals, then the Bond of the Kings Faith. But my good Lord, the King notwithstanding the deniall at that time was with gifts from particlar persons, and otherwise supplied

ed for proceeding of his iourney for that time into France, he tooke with him thirty Caskes filled with siluer and coyne, which was a great Treasure in those dayes. And lastly, notwithstanding the first deniall in the Kings absent he had Escuage granted him (to wit) 20 s. of euery Knights Fee.

Couns. What say you then to the 28. yeere of that King, in which when the King demanded reliefe, the States would not consent except the same former order had beene taken for the appointing of foure Ouerseers for the treasure As also that the Lord chiefe Iustice & the Lord Chancellor should be chosen by the States with some Barons of the Excheqnor and other officers.

Iust. My good Lord, admit the King had yeelded their demands, then whatsoeuer had beene ordained by those Magistrates to the dislike of the Common wealth, the people had beene without remedy, whereas while the King made them, they had their Appeale and other remedies. But those demands vanished, and in the end, the King had Escuage giuen him, without any of their conditions. It is an excellent vertue in a King to haue patience, & to giue way to the furie of mens passions The Whale when he is stroken by the Fisherman, growes in that fury, that he cannot be resisted, but will ouerthrow all the Ships and Barkes that come into his way, but when he hath tumbled a while, he is drawne to the shore with a twine thred.

Couns. What say you then to the Parliament in the 9 and twentieth yeere of that King.

Iust. I say that the Commons being vnable to pay, the King relieues himselfe vpon the Richer sort, & so it likewise happened in the 33. of the King, in which he was relieued chiefely by the Citty of London. But my good Lord, in the Parliament in London, in the 38. yeare, hee had giuen him the tenth of all the Reuenues of the Church for three yeares, and three markes of euery knights fee throughout the kingdome, vpon his promise & oath vpon the obseruing of *magna Charta* but in the end of the same yere, the king being thē in France, he was denyed the aides which hee required. What is this to

the danger of a Parliament? especially at this time they had reaso to refuse, they had giuen so great a summe in the beginning of the same yeare: and again because it was known that the King had but pretended warre with the King of Castile with whom he had secretly contracted an alliance and concluded a mariage betweene his Sonne Edward and the Lady Elenor. These false fires doe but fright Children and it comonly falles out that when the cause giuen is knowne to be false, the necessity pretended is thought to bee fained, Royall dealing hath euermore Royall successe: and as the King was denied in the eight and thirtieth yeare, so was hee denied in the nine and thirtieth yeare, because the Nobility and the people saw it plainely that the King was abused by the Pope, who aswell in despite to Manfred bastard son to the Emperour Fredericke the second, as to cozen the King & to wast him, would needs bestow on the King the Kingdome of Sicilie, to recouer which, the King sent all the Treasure he could borrow or scrape to the Pope, and withall gaue him letters of credance, for to take vp what he could in Italy, the King binding himselfe for the payment. Now my good Lord the wisedome of princes is seen in nothing more then in their enterprises. So how vnpleasing it was to the State of England to consume the treasure of the Land, and in the conquest of Sicily, so farre of, and otherwise for that the Euglish had lost Normandy vnder their noses, and so many goodly parts of France of their owne proper inheritance: the reason of the deniall is as well to be considered as the deniall.

Couns. Was not the King also denyed a Subsidy in the forty first of his raigne.

Iust. No my Lord, for although the King required mony as before for the impossible conquest of Sicily, yet the House offered to giue 52000 markes, which whether hee refused or accepted is vncertaine, & whilst the King dreamed of Sicily, the Welsh inuaded and spoyled the borders of England, for in the Parliament of London, when the King vrged the house for percecuting the cõquest of Sicily, the Lords vtterly disliking the attempt, vrged the prosecuting of the

Welshmen

Welshmen: which Parliament being proroged, did again assemble at Oxford, & was called the madde Parliament, which was no other then an assembly of rebels; for the Royal assent of the K. which giues life to all lawes, form'd by the three estates, was not a Royal assent, whē both the K. & the Prince were cōstrained to yeeld to the Lords. A constrained consent is the consent of a Captiue and not of a K. and therfore there was nothing done there either legally or royally. For if it be not properly a Parliament where the subiect is not free, certainly it can be none where the King is bound, for all Kingly rule was taken from the King, and twelue Peeres appointed, and as some writers haue it 24 Peeres to gouerne the Realme, and therefore the assembly made by *Iack Straw* and other rebels may aswel be called a Parliament as that of Oxford. *Principis nomen habere, non est esse Princeps*, for thereby was the K. driuen not only to compound al quarrels with the French, but to haue meanes to be reuenged on the rebell Lords; but he quitted his right to Normādy Anion & Mayn.

Counf. But sir, what needed this extremity, seeing the Lords require but the confirmation of the former Charter which was not preiudiciall to the King to graunt?

Iust. Yes my good Lord, but they insulted vpon the King, & would not suffer him to enter into his own Castles, they put downe the Purueyor of the meate for the maintenance of his house, as if the King had beene a bankrupt, and gaue order that without ready money he should not take vp a Checkē. And although there is nothing against the Royalty of a King in these Charters (the Kings of England beeing Kings of freemen and not of slaues) yet it is so contrary to the nature of a King to be forced euen to those things which may bee to his aduantage, as the King had some reason to seeke the dispensation of his Oath from the Pope, and to drawe in strangers for his owne defence: yea *Iure saluo Coronæ nostræ* is intended inclusiuely in all oathes and promises exacted from a Soueraigne.

Counf. But you cannot be ignorant how dangerous a thing it is to call in other natiōs but for the spoile they make, as al-

so

ſo, becauſe they haue often held the poſſeſsion of the beſt places with which they haue beene truſted.

Iuſt. It is true my good Lord, that there is nothing ſo daungerous for a King as to be conſtrained and held as priſoner to his vaſſals, for by that *Edward* the ſecond, and *Richard* the ſecond loſt their Kingdomes and their liues. And for calling in of ſtrangers was not King *Edward* the ſixth driuen to call in ſtrangers againſt the rebels in Norfolke, Cornewall, Oxfordſhire, and elſe where? Haue not the Kings of Scotland bene oftentimes conſtrained to intertaine ſtrangers againſt the Kings of England. And the King of England at this time had he not bin diuers times aſsiſted by the Kings of Scotland, had bin endangered to haue bin expelled for euer.

Counſ. But yet you know thoſe Kings were depoſed by Parliament

Iuſt. Yea my good Lord being priſoners, being out of poſſeſsion, and being in their hands that were Princes of the blood and pretenders. It is an old Countrey prouerbe: (that *might ouercomes right:*) a weake title that weares a ſtrong ſword, commonly preuailes againſt a ſtrong title that wears but a weake one, otherwiſe *Philip* the ſecond had neuer bene Duke of Portugal, nor Duke of Millaine, nor King of Naples and Scicilie. But good Lord, *Errores nõ ſunt trahendi in exemplum:* I ſpeake of regall, peaceable, and lawfull Parliaments. The K. at this time was but a King in name, for Glocester, Leycester, and Chicheſter made choiſe of other 9, to whom the rule of the Realme was committed, and the Prince was forced to purchaſe his libertie from the Earle of Leyceſter, by giuing for this ranſome the County Pallatine of Cheſter. But my Lord let vs iudge of thoſe occaſions by their euents, what became of this proud Earle? was hee not ſoone after ſlaine in Eueſham? was he not left naked in the field, and left a ſhamefull ſpectacle. his head being cut off from his ſhoulders, his briuy parts from his body, & laid on each ſide of his noſe? And did not God extinguiſh his race, after which in a lawfull Parliament at Weſtminſter (confirmed in a following Parliament of Weſtminſter, were not all the Lords that

followed

followed Leycester disinherited? And when that foole Glocester, after the death of Leycester (whom hee had formerly forsaken) made himselfe the head of a second Rebellion, and called in strangers, for wch not long before he had cried out against the King, was not he in the end, after that he had seene the slaughter of so many of the Barons, the spoile of their Castles, & Lordships, constrained to submit themselues, as all the suruiuers did, of which they that sped best, paide their fines and ransomes, the King reseruing to his younger sonne the Earledomes of Leicester and Darby.

Counsf. Well sir, we haue disputed this King to his graue, though it be true, that he outliued all is enemies, and brought them to confusion, yet those examples did not terrifie their successors, but the Earle *Marshall*, and *Hereford*, threatned King Edward the first with a new warre.

Iust. They did so, but after the death of *Hereford*, the Earle *Marshall* repented himselfe, and to gaine the Kings fauour, he made him heire of all his Lands. But what is this to the Parliament? for there was neuer King of this Land had more giuen him for the time of his Raigne, then Edward the sonne of Henry the third had.

Counsf. How doth it appeare?

Iust. In this sort, my good Lord, in this Kings third yeere hee had giuen him the fifteenth part of all goods. In his sixt yeere, a twentieth: in his twelfth yeare, a twentieth: in his foureteenth yeare he had Escuage (to wit) forty shillings of euery Knights Fee: in his eighteenth yeare hee had the eleuenth part of all moueable goods within the kingdome, in his ninete enth yeere the tenth part of all Church liuings in England, Scotland and Ireland, for sixe yeeres, by agrement from the Pope, in his three & twentieth yeare ye rayſed a taxe vpon woll & fels, and on a day caused all the religious houses to be searched, & all the treasure in them to be seised & brought to his coffers, excusing himselfe, by laying the fault vpon his Treasurer, he had also in the end of the same yere, of all goods of all Burgesses, and of the commons, the 10. part: in the 25. yere of the Parliament of S. Edmundsbury, he had an 18. part of the goods of the Burgesses, and of the people in generall,

the tenth part, Hee had also the same yeere by putting the Clergy out of his protection a fift part of their goods, and in the same yeere he set a great taxe vpon woolls, to wit, from halfe a marke to 40. shillings vpon euery sacke, whereupon the Earle *Marshall*, and the Earle of *Hereford* refusing to attend the King into *Flanders*, pretended the greuances of the people. But in the end the King hauing pardoned them, and confirmed the great Charter, hee had the ninth penny of all goods, from the Lords and commons of the Clergy, in the South he had the tenth penny, and in the North the fift penny. In the two and thirtieth yeere, he had a subsedy freely granted: in the three and thirtieth yeare, hee confirmed the great Charter of his owne Royall disposition, aud the States to shew their thankfulnesse, gaue the King for one yeere, the sixt part of their goods. And the same yeere the King vsed the Inquisition, called *Traile Baston*. By which all Iustices and other Magistrates were grieuously fined, that had vsed extortiõ, or bribery, or had otherwise misdemeaned themselues to the great contentation of the people. This Commission likewise did enquire of Intruders, Barrators & all other the like Vermine, whereby the king gathered a great masse of Treasure with a great deale of Loue. Now for the whole raigne of this King, who gouerned England 35. yeeres, there was not any Parliament to preiudice.

Counf. But there was taking of armes by *Marshall* and *Hereford*.

Iust. That's true, but why was that? because the King, notwithstanding all that was giuen him by parliament, did lay the greatest taxes that euer King did without their consent. But what lost the King by those Lords? one of them gaue the King all his lands, the other died in disgrace.

Counf. But what say you to the Parliament in *Edward* the seconds time, his successor: did not the house of Parliament banish *Pierce Gauestoн* whom the King fauoured?

Iust. But what was this *Gauestoн*, But an Esquire of *Gascoine*, formerly banisht the Realme by King *Edward* the first,

for

for corrupting the Prince Edward, now raigning. And the whole Kingdome fearing, and detesting his venomous disposition, they besought his Maiesty to cast him off, which the King performed by an act of his owne, and not by act of Parliament, yea, *Gauestons* owne father in law, the Earle of *Gloceſter*, was one of the chiefest of the Lords that procured it. And yet finding the kings affection to follow him so strongly, they all consented to haue him recalled. After which, whē his credit so increased, that hee despised and set at naught all the auncient Nobilitie, and not onely perswaded the King to all manner of outrages and riots, but withall transported what he listed of the Kings Treasure, and Iewels, the Lords vrged his banishment the second time, but neither was the first, nor second banishment forced by act of Parliament, but by the forceable Lords his enemies. Lastly, hee being recalled by the King, the Earle of *Lancaster* caused his head to be strcik ē off, when those of his party had taken him prisoner. By which presumptuous act, the Earle and the rest of his company committed Treason, and Murder, Treason by raising an Army without warrant, Murder, by taking away the life of the Kings Subiect. After which *Gauestoн*, being dead, the Spencers got possession of the Kings fauour, though the yonger of them was placed about the King by the Lords themselues.

Couns. What say you then to the Parliament held at London about the sixt yeere of that King?

Iust. I say, that King was not bound to performe the acts of this Parliament, because the Lords being to strong for the King, inforced his consent, for these be the words of our owne History. They wrested too much beyong the bounds of reasō.

Couns. What say you to the Parliaments of the white wands in the three and thirtieth yeere of the King.

Iust. I say the Lords that were so mooued, came with an Army, and by strong hand surprised the King, they constrained, (saith the story) the rest of the Lords, and compelled many of the Bishops to consent vnto them, yea, it saith further, that the King durst not but grant to all that they requi-

red, (to wit) for the banishment of the *Spencers*. Yea they were so insolent, that they refused to lodge the Queene comming through *Kent* in the Castle of *Leedes*, and sent her to prouide her lodging where she could get it, so late in the night, for which notwithstanding, some that kept her out, were soone after taken aud hang'd, and therefore your Lordship cannot call this a Parliament for the reasons before alleaged. But my Lord what became of these Lawgiuers to the King, euen when they were greatest, a Knight of the North called *Andrew Herkeley*, assembled the forces of the Country ouerthrew them and their Army, slew the Earle of *Hereford* and other Barrons, tooke their Generall *Thomas* Earle of *Lancaster*, the Kings cozen germane, at that time possessed of fiue Earledomes, the Lords *Clifford*, *Talbort*, *Mowbray*, *Mauduit*, *Willington*, *Warren*, Lord *Darcy*, *Withers*, *Kneuill*, *Leybourne*, *Bekes*, *Louell*, *Fitzwilliams*, *Wateruild*, and diuerse other Barons, Knights, and Esquires, and soone after the Lord *Percy*, & the Lord *Warren*, tooke the Lord *Baldsemere*, and the Lord *Audle*, the Lord *Teis*, *Gifford*, *Tutchet*, and many others that fled from the battaile, the most of which past vnder the hands of the Hangman, for constraining the King vnder the colour and name of a Parliament. But this your good Lordship may iudge, to whom, those tumultuous assemblies (which our Histories falsely call Parliaments) haue beene dangerous, the Kings in the end euer preuailed, and the Lords lost their liues, and estates. After which the Spencers in their banishment at Yorke, in the fifteenth yeere of the King, were restored to their honours and estates, and therein the King had a Subsedy giuen him, the sixt penny of goods throughout England, Ireland, and Wales.

Couns Yet you see the Spencers were soone after dissolued.

Iust. It is true my Lord, but that is nothing to out subiect of Parliament, they may thanke their owne insolencie, for they branded, and despised the Queene, whom they ought to haue honored as the Kings wife; they were also exceeding greedy, & built thēselues vpon other mens ruines, they were ambitious and exceeding malitious, whereupon that came, that

that when Chamberlaine Spencer was hang'd in *Hereford*, a part of the foure and twentieth *Psalme* was written ouer his head: *Quid gloriaris in malitia potens?*

Couns. Well sir, you haue all this while excused your selfe vpon the strength and rebellions of the Lords, but what say you now to King Edward the third, in whose time (and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that euer King receiued or endured, therefore I conclude where I began, that these Parliaments are dangerous for a King.

Iust. To answere your Lordship in order, may it please you first to call to minde, what was giuen this great King by his Subiects before the dispute betwixt him and the house happened, which was in his latter dayes, from his first yeere to his fift yeere, there was nothing giuen the King by his subiects. In the eight yeere at the Parliament at London a tenth and a fifteenth was granted: in this tenth yeere hee ceased vpon the Italians goods here in England to his owne vse, with all the goods of the *Monkes Cluniackes* and others, of the order of the *Cistertians*. In the eleuenth yeere, hee had giuen him by Parliament a notable reliefe, the one halfe of the wooll's throughout England, and of the Cleargy all their woolls, after which, in the end of the yeere, hee had granted in this Parliament at Westminster, 40 shillings vpon euery sacke of wooll, and for euery thirty wooll fels 40 shillings, for euery last of Leatherne, as much, and for all other Merchandizes after the same rate. The King promising that this yeeres gathering ended he would thence foorth content himselfe with the old custome, hee had ouer and aboue this great aide, the eight part of all goods of all Citizens & Burgesses, and others as of forreigne Marchants, and such as liued not of the gaine of breeding of sheepe and cattell the fifteenth of their goods: Nay my Lord, this was not all: though more then euer was granted to any King, for the same Parliament bestowed on the King the ninth sheafe of all the Corne within the Land, the ninth Fleece, and the ninth Lambe for two

yeeres next following: now what thinkes your Lordship of this Parliament.

Counf. I say they were honest men.

Iust. And I say, the people are as louing to their King now, as euer they were, if they bee honestly, and wisely dealt withall, and so his Maiestie hath found them in his last two Parliaments, if his Maiestie had not beene betrayed by those whom he most trusted.

Counf. But I pray you sir, who shall a King trust, if hee may not trust those whom he hath so greatly aduanced?

Iust. I will tell your Lordship whom the King may trust.

Counf. Who are they?

Iust. His owne reason, and his owne excellent iudgement, which haue not deceiued him in any thing, wherein his Maiestie hath beene pleased to exercise them. Take counsell of thine heart (saith the booke of Wisdome) for there is none more faithfull vnto thee then it.

Counf. It is true, but his Maiestie found that those wanted no iudgement whom he trusted, and how could his Maiestie deuine of their honesties?

Iust. Will you pardon mee if I speake freely, for if I speake out of Loue, which (as *Solomon* saith) couereth all trespasses. The trueth is, that his Maiestie would neuer beleeue any man that spake against them, and they knew it wel enough, which gaue them boldnesse to doe what they did.

Counf. What was that?

Iust. Euen, my good Lord, to ruine the Kings estate so far as the State of so great a King may be ruin'd by men ambitious & greedy without proportion. It had beene a braue increase of reuenue, my Lord, to haue raised 500000. l. land of the Kings to 20000. l. reuenue, and to raise the reuenue of Wards to 20000. l. more, 40000. l. added to the rest of his Maiesties estate, had so enabled his Maiesty, as he could neuer haue wanted. And my good Lord, it had beene an honest seruice to the King, to haue added 7000. l. lands of the Lord *Cobhams*, woods, and goods, being worth 30000. l. more.

Counf.

Counſ. I know not the reaſon why it was not done.

Iuſt. Neither doth your Lordſhip, perchance know the reaſon why the 10000. l. offered by *Swinnerton* for a fine of the *French* wines, was by the then Lord Treaſurer conferred on *Deuonſhire* and his *Miſtris*.

Counſ. What mooued the Treaſurer to reiect and croſſe that raiſing of the Kings lands?

Iuſt. The reaſon, my good Lord, is manifeſt, for had the land beene raiſed, then had the King knowne when hee had giuen or exchanged land, what he had giuen or exchanged.

Counſ. What hurt had that beene to the Treaſurer whoſe Office is truely to informe the King of the value of all that he giueth?

Iuſt. So he did, when it did not conſerne himſelfe nor his perticuler, for he could neuer admit any one peece of a good Manour to paſſe in my Lord *Aubignes* booke of 1000. l. land, till hee himſelfe had bought, and then all the remaining flowers of the Crowne were culled out. Now had the Treaſurer ſuffered the Kings lands to haue beene raiſed, how could his Lordſhip haue made choice of the old rents, as well in that booke of my Lord *Aubigne* as in exchange of *Theobalds*, for which he tooke *Hatfield* in it, which the greateſt Subiect, or Fauorite Queene *Elizabeth* had, neuer durſt haue named vnto her by way of gift or exchange. Nay my Lord, ſo many other goodly Manours haue paſſed from his Maieſty, as the very heart of the Kingdome mourneth to remember it, and the eyes of the Kingdome ſhed teares continually at the beholding it: yea the ſoule of the Kingdome is heauie vnto death with the conſideration therof, that ſo Magnanimous a Prince, ſhould ſuffer himſelfe to be ſo abuſed.

Counſ. But ſir, you know that *Cobhams* lands were entailed vpon his Coſens.

Iuſt. Yea, my Lord, but during the liues and races of *George Brooke* his children, it had beene the Kings, that is to ſay, for euer in effect, but to wreſt the King and to draw the inheritance vpon himſelfe, hee perſwaded his Maieſtie to relinquiſh

linquished his entereſt for a petty ſumme of money; and that there might be no counterworking, he ſent *Brooke* 6000.l. to make friends, whereof himſelfe had 2000. l. backe againe, *Buckhurſt*, and *Barwicke* had the other 4000. l. and the Treaſurer and his heire s the maſſe of Land for euer.

Couns. What then I pray you, came to the King by this great confiſcation.

Iuſt. My Lord, the Kings Maieſtie by all thoſe goodly poſſeſsions, woods, & goods, looſeth 500 l. by the yere which he giueth in penſion to Cobham, to maintaine him in priſon.

Couns. Certainely, euen in Conſcience they ſhould haue reſerued ſo much of the Land in the Crown, as to haue giuen *Cobham* meate and apparel, and not made themſelues ſo great gainers, and the King 500. l. *per annum*, looſer by the bargaine, but it's paſt: *Conſilium non eſt eorum quæ fieri nequeunt.*

Iuſt. Take the reſt of the ſentence, my Lord: *Sed conſcilium verſatur in ijs quæ ſunt in noſtra poteſtate.* It is yet, my good Lord, *in poteſtate Regis*, to right himſelfe. But this is not all, my Lord: And I feare me, knowing your Lordſhips loue to the King, it would put you into a Feauer to heare all; I wil therefore goe on with my Parliaments.

Couns. I pray doe ſo, and amongſt the reſt, I pray you what ſay you to the Parliament holden at London, in the fifteenth yeare of King Edward, the third?

Iuſt. I ſay there was nothing concluded therein to the preiudice of the King. It is true, that a little before the ſitting of the Houſe, the King diſplaſed his Chancellour, & his Treaſurers, and moſt of all his Iudges, and Officers of the exchequer, and committed many of them to Priſon, becauſe they did not ſupply him with Money, being beyond the Seas, for the reſt, the ſtates aſſembled, beſought the King that the Lawes of the two Charters might bee obſerued, and that the great officers of the Crowne might bee choſen by Parliament.

Couns. But what ſucceſſe had theſe Petitions?

Iuſt. The Charters were obſerued, as before, and ſo they will

will be euer, & the other petition was reiected, the King being pleas'd notwithstanding, that the great Officers should take an oath in Parliament to doe Iustice. Now for the Parliament of *Westminster*, in the 17th. yeare of the King, the King had three markes and a halfe for euery sacke of wooll transported; and in his 18. he had a 10th of the Clergy and a 15th. of the Laity for one yeare. His Maiesty forbare after this to charge his subiects with any more payments, vntill the 29. of his raigne, when there was giuen the King by Parliament 50. for euery sacke of wooll transported for six yeares, by which grant, the King receiued a thousand markes a day, a greater matter then a thousand pounds in these dayes, & a 1000l. a day amounts to 365000l. a yeare, which was one of the greatest presents that euer was giuen to a King of this Land. For besides the cheapnes of all things in that age, the Kings Souldiers had but 3d. a day wages, a man at armes 6d. a Knight but 2s. In the Parliament at *Westminster*, in the 33. yeare he had 26s. 8d. for euery sacke of wooll transported, & in the 42. yeare 3. disimes & 3. fifteens. In his 45. yeare he had 50000l. of the Laity, and because the Spiritualty disputed it, and did not pay so much, the King chang'd his Chancellour, Treasurer, and priuy Seale, being Bishops, and placed Lay men in their roome.

COVNS. It seemes that in those dayes the Kings were no longer in loue with their great Chancellors, then when they deserued well of them.

IVST. No my Lord, they were not, and that was the reason they were well serued, & it was the custome then, & in many ages after to change the Treasurer and the Chancellor euery 3. yeares, & withall to heare all mens complaints against thē.

COVNS. But by this often change, the saying is verified, that there is no inheritance in the fauour of Kings. *Hee that keepeth the figge tree* (saith *Salomon*) *shall eate the fruit thereof*; for reason it is that the Seruant liue by the Master.

IVST. My Lord, you say well in both, but had the Subiect an inheritance in the Princes fauor, where the Prince had no inheritance in the subiects fidelity, then were kings in more

vnhappy estate then common persons. For the rest, *Salomon* meaneth not, that he that *keepeth the figge tree* should surfet, though he meant he should eate, hee meant not he should breake the branches in gathering the figs, or eate the ripe, & leaue the rotten for the owner of the tree; for what saith he in the following chapter, he saith that *he that maketh haste to be rich, cannot be innocent.* And before that, he saith, that *the end of an inheritance hastily gotten, cannot be blessed.* Your Lordship hath heard of few or none great with Kings, that haue not vsed their power to oppresse, that haue not growne insolent & hatefull to the people; yea, insolent towards those Princes that aduanced them.

COVNS. Yet you see that Princes can change their fancies.

IVST. Yea my Lord, when favorites change their faith, when they forget that how familiar soeuer Kings make thē-selues with their vassals, yet they are Kings: *He that provoketh a King to anger* (saith *Salomon*) *sinneth against his owne soule.* And he further saith, that *pride goeth before destruction, and a high mind before a fall.* I say therefore, that in discharging those Lucifers, how deare soeuer they haue beene, kings make the world know that they haue more of Iudgement then of passion, yea they thereby offer a satisfactorie sacrifice to all their people, too great benefits of subiects to their King, where the mind is blowne vp with their owne deseruings, and too great benefits of Kings confer'd vpon their subiects, where the minde is not qualified with a great deale of modesty, are equally dangerous. Of this later and insolenter, had King *Richard* the second deliuered vp to Iustice but three or foure, he had still held the loue of the people and thereby his life and estate.

COVNS. Well, I pray you goe on with your Parliaments.

IVST. The life of this great King *Edward* drawes to an end, so doe the Parliaments of this time, where in 50. yeares raigne, he neuer receiued any affront, for in his 49th. yeare he had a disme and a fifteene granted him freely.

COVNS.

COVNS. But Sir, it is an old ſaying, that all is well that ends well, Iudge you whether that in his 50th yeare in Parliament at *Weſtminſter* he receiued not an affront, when the houſe vrged the King to remoue & diſcharge frō his preſence the Duke of *Lancaſter*, the Lord *Latimer* his Chamberlaine Sir *Richard Sturry*, and others whom the King fauoured and truſted. Nay, they preſſed the King to thruſt a certaine Lady out of the Court, which at that time bare the greateſt ſway therein.

IVST. I will with patience anſwer your Lordſhip to the full, and firſt your Lordſhip may remember by that which I euen now ſaid, that neuer King had ſo many gifts as this King had from his ſubiects, and it hath neuer grieued the ſubiects of *England* to giue to their King, but when they knew there was a deuouring Lady, that had her ſhare in all things that paſſed, and the Duke of *Lancaſter* was as ſcraping as ſhee, that the Chancellour did eate vp the people as faſt as either of them both. It grieued the ſubiects to feede theſe Cormorants. But my Lord, there are two things by which the Kings of *England* haue beene preſt, (to wit) by their ſubiects, and by their owne neceſſities. The Lords in former times were farre ſtronger, more warlike, better followed, liuing in their countries, then now they are. Your Lordſhip may remember in your reading, that there were many Earles could bring into the field a thouſand Barbed horſes, many a Baron 5 or 600 Barbed horſes, whereas now very few of them can furniſh twenty fit to ſerue the King. But to ſay the truth my Lord, the Iuſtices of peace in *England*, haue oppos'd the iniuſticers of warre in *England*, the kings writ runs ouer all, and the great Seale of *England*, with that of the next Conſtables will ſerue the turne to affront the greateſt Lords in *England* that ſhall moue againſt the King. The force therefore by which our Kings in former times were troubled is vaniſht away. But the neceſſities remaine. The people therefore in theſe later ages, are no leſſe to bee pleaſed then the Peeres; for as the later are become leſſe, ſo by reaſon of the trayning through *England*, the Commons

haue all the weapons in their hands.

Covns. And was it not so euer?

Ivst. No my good Lord, for the Noblemen had in their Armories to furnish some of them a thousand, some two thousand, some three thousand men, whereas now there are not many that can arme fifty.

Covns. Can you blame them? But I will onely answer for my selfe, betweene you and me be it spoken, I hold it not safe to maintaine so great an Armorie or Stable, it might cause me or any other Noble man to be suspected, as the preparing of some Innouation.

Ivst. Why so my Lord, rather to be commended as preparing against all danger of Innouation.

Covns. It should be so, but call your obseruation to accompt, and you shall find it as I say, for (indeed) such a jealousie hath been held euer since the time of the Ciuill wars, ouer the Military greatnes of our Nobles, as made them haue litle will to bend their studies that wayes: wherefore let euery man prouide according as he is rated in the Muster booke, you vnderstand me.

Ivst. Very well my Lord, as what might be replied in the perceiuing so much; I haue euer to (deale plainely and freely with your Lordship) more feard at home popular violence, then all the forreine that can be made, for it can neuer bee in the power of any forreine Prince, without a Papisticall party, eyther to disorder or endanger his Maiesties Estate.

Covn. By this it seemes, it is no lesse dangerous for a king to leaue the power in the people, then in the Nobility.

Ivst. My good Lord, the wisedome of our owne age, is the foolishnes of another, the time present ought not to bee prefer'd to the Policy that was, but the pollicy that was, to the time present. So that the power of the Nobility being now withered, and the power of the people in the flowre, the care to content them would not be neglected, the way to win them often practised, or at least to defend them from oppression. The motiue of all dangers that euer this Monar-

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chy hath vndergone, ſhould bee carefully heeded, for this Maxime hath no poſterne. *Poteſtas humana radicatur in voluntatibus hominum.* And now my Lord, for King *Edward* it is true, though he was not ſubiect to force, yet was hee ſubiect to neceſſitie, which becauſe it was violent, he gaue way vnto it. *Poteſtas (* ſaith *Pithagoras) juxta neceſſitatem habitat.* And it is true, that at the requeſt of the houſe he diſcharged and put from him thoſe before named, which done, he had the greateſt giſt (but one) that euer he receiued in all his daies (to wit) from euery perſon, man and woman, aboue the age of fourteene yeares 4d of old mony, which made many millions of Groats, worth 6d of our mony. This he had in generall, beſides he had of euery benificed Prieſt, 1 2d. And of the Nobility and Gentry, I know not how much, for it is not ſet downe. Now my good Lord, what loſt the King by ſatisfying the deſires of the Parliament houſe; for aſſoone as hee had the mony in purſe, hee recalled the Lords, and reſtored them, and who durſt call the King to accompt, when the Aſſembly were diſſolued. *Where the word of a King is, there is power (* ſaith *Eccleſiaſticus) Who ſhall ſay vnto him, what doeſt thou?* ſaith the ſame Author, for euery purpoſe there is a time & judgement, the King gaue way to the time, & his judgmẽt perſwaded him to yeild to neceſſity, *Conſularius nemo melior eſt quàm tempus.*

COVNS. But yet you ſee the King was forc'd to yeeld to their demaunds.

IVST. Doth your Lordſhip remember the ſaying of *Monſieur de Lange*, that he that hath the profit of the warre, hath alſo the honour of the warre, whether it be by battaile or retreate, the King you ſee had the profit of the Parliament, and therefore the honour alſo, what other end had the King then to ſupply his wants. A wiſe man hath euermore reſpect vnto his ends: and the King alſo knew that it was the loue that the people bare him, that they vrged the remouing of thoſe Lords, there was no man among them that ſought himſelfe in that deſire, but they all ſought the King, as by the ſucceſſe it appeared. My good Lord, hath it not been ordinary

in *England* and in *France* to yeeld to the demaunds of rebels, did not King *Richard* the second graunt pardon to the outragious rogues and murtherers that followed *Jack Straw*, & *Wat Tiler*, after they had murthered his Chancellor, his Treasurer, chiefe Iustice, and others, brake open his Exchequer, and committed all manner of outrages and villanies, and why did he doe it, but to avoid a greater danger: I say the Kings haue then yeelded to those that hated them and their estates, (to wit) to pernicious rebels. And yet without dishonour shall it be called dishonour for the King to yeeld to honest desires of his subjects. No my Lord, those that tell the King those tales, feare their owne dishonour, and not the Kings, for the honour of the King is supreame, and being guarded by Iustice and piety, it cãnot receiue neither wound nor stayne.

COVNS. But Sir, what cause haue any vnder our King to feare a Parliament?

IVST. The same cause that the Earle of *Suffolke* had in *Richard* the seconds time, and the Treasurer *Fartham*, with others; for these great officers being generally hated for abusing both the King and the subiect, at the request of the States were discharged, and others put in their roomes.

COVNS. And was not this a dishonour to the King?

IVST. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the king was in his heart vtterly against it, yet had hee the profit of his exchange; for *Suffolk* was fined at 20000 markes, and 1000l lands.

COVNS. Well Sir, wee will speake of those that feare the Parliament some other time, but I pray you goe on with that, that happened in the troublesome raigne of *Richard* the second who succeeded, the Grandfather beeing dead.

IVST. That King, my good Lord, was one of the most vnfortunate Princes that euer *England* had, hee was cruell, extreame prodigall, and wholly carried away with his two Minions, *Suffolk* & the duke of *Ireland*, by whose ill aduice & others,

others, he was in danger to haue lost his estate; which in the end (being led by men of the like temper) he miserably lost. But for his subsidies hee had giuen him in his first yeare being vnder age two tenths and two fifteenes: In which Parliament, *Alice Peirce*, who was remoued in King *Edwards* time, with *Lancaster*, *Latimer*, and *Sturry*, were confiscate & banished. In his second yeare at the Parliament at *Gloceſter*, the King had a marke vpon euery sacke of wooll, and 6d the pound vpwards. In his third yeare at the Parliament at *Winchester*, the Commons were spared, and a subsedy giuen by the better sort, the Dukes gaue 20. markes, and Earles 6 markes, Bishoppes and Abbots with myters sixe markes, euery marke 3s 4d, & euery Knight, Iustice, Esquire, Shrieue, Parson, Vicar, & Chaplaine, paid proportionably according to their estates.

COVNS. This me thinkes was no great matter.

IVST. It is true my Lord, but a little money went far in those dayes: I my selfe once moued it in Parliament in the time of Queene *Elizabeth*, who desired much to spare the Common people, and I did it by her commandement; but when we cast vp the subsedy bookes, we found the summe but smal, whē the 30l men were left out. In the beginning of his fourth yeare, a tenth with a fifteene were granted vpon condition, that for one whole yeare no subsedies should bee demanded; but this promise was as suddenly forgotten as made, for in the end of that yeare, the great subsedy of Poll mony was granted in the Parliament at *Northampton*.

COVNS. Yea but there followed the terrible Rebellion of *Baker*, *Straw*, and others, *Leister*, *Wrais*, and others.

IVST. That was not the fault of the Parliament my Lord, it is manifest that the subsedy giuen was not the cause; for it is plaine that the bond men of *England* began it, because they were grieuously prest by their Lords in their tenure of Villenage, as also for the hatred they bare to the Lawyers & Atturneyes: for the story of those times say, that they destroyed the houses and Mannors of men of law, and such Lawyers as they caught, slew them, and beheaded the Lord

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chiefe Iustice, which commotion being once begun, the head mony was by other Rebels pretended; A fire is often kindled with a little straw, which oftentimes takes hold of greater timber and consumes the whole building: And that this Rebellion was begun by the discontented slaues (whereof there haue been many in Elder times the like) is manifest by the *Charter* of *Manumission*, which the King granted *in hæc verba, Rich. Dei gratia &c. Sciatis quòd de gratiâ nostrâ spirituali manumissimus* &c. to which seeing the King was constrained by force of armes, hee reuoked the letters Patents, and made them voide, the same reuocation being strengthened by the Parliament ensuing. In which the King had giuen him a subsedy vpon wools, called a *Maletot*, In the same fourth yeare was the Lord Treasurer discharged of his Office, and *Hales* Lord of S. *Johns* chosen in his place. In his fifth yeare was the Treasurer againe charged, and the staffe giuen to *Segraue*, and the Lord Chancellor was also changed, and the staffe giuen to the Lord *Scroope*: Which Lord *Scroope* was againe in the beginning of his sixt yeare turned out, and the King after that he had for a while kept the Seale in his owne hand, gaue it to the Bishop of *London*, from whom it was soone after taken and bestowed on the Earle of *Suffolke*, who they say, had abused the King, and conuerted the Kings Treasure to his owne vse. To this the King condiscended, and though (saith *Walsingham*) he deserued to loose his life and goods, yet he had the fauor to goe at liberty vpon good sureties: and because the K. was but yong, & that the reliefe granted was committed to the trust of the Earle of *Arundell* for the furnishing of the Kings Nauy against the French.

COVNS. Yet you see it was a dishonour to the K. to haue his beloued Chancellor remoued,

IVS. Truly no, for the K. had both his fine 1000l lãds & a subsedy to boot. And though for the present it pleased the K. to fancy a man all the world hated (the Ks. pssion ouercõming his Iudgmẽt) yet it cannot be cal'd a dishonor, for the K. is to belieue the general counsel of the kingdom, & to prefer it before his affection, especially when *Suffolke* was proued to be false euen to the K. for were it otherwise, loue and affection

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might be called a frenzie and a madneſſe, for it is the nature of humaine paſſions, that the loue bred by fidelity, doth change it ſelfe into hatred when the fidelity is firſt changed into falſhood.

COVNS. But you ſee there were thirteene Lords choſen in the Parliament, to haue the ouerſight of the gouernment vnder the King.

IVST: No my Lord, it was to haue the overſight of thoſe Officers, which (ſaith the ſtory) had imbezeled, lewdly waſted, and prodigally ſpent the Kings treaſure, for to the Commiſſion to thoſe Lords, or to any ſix of them, joyn'd with the Kings Councell, was one of the moſt royall and moſt profitable that euer he did, if he had bin conſtant to himſelfe. But my good Lord, man is the cauſe of his owne miſery, for I wil repeate the ſubſtance of the commiſſion granted by the K., & confirmed by a Parliament, which whither it had bin profitable for the K. to haue proſecuted, your Lordſhip may judge. The preamble hath theſe words: *Whereas our Soveraigne Lord the King perceiueth by the grieuous complaints of the Lords & Commons of this Realme, that the rents, profits, and reuennes of this Realme, by the ſingular and inſufficient Councell and evill government, aſwell of ſome his late great Officers, and others, &c. are ſo much withdrawen, wafted, eloyued, giuen, granted, alienated, deſtroyed, and evill diſpended, that he is ſo much impouerißed and voyd of treaſure and goods, and the ſubſtance of the Crowne ſo much diminißed and deſtroyed, that his eſtate may not honorably be ſuſtained as appertaineth. The K. of his free will at the requeſt of the Lords and Commons, hath ordained* Williã *Archbiſhop of* Canterbury *and others with his Chancellour, Treaſurer, keeper of his priuy Seale, to ſurvey and examine as well the eſtate and gouernance of his houſe, &c. as of all the rents, and profits, and reuennes that to him appertayneth, and to be due, or ought to appertaine and be due, &c. And all manner of gifts, grants, alienations and confirmations made by him of lands, tenements, rents, &c. bargained and ſold to the preiudice of him and his Crowne, &c. And of his jewels & goods which were his Grandfathers at the time of his death, &c. and where they be become.*

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This is in effect the substance of the commission, which your Lordship may reade at large in the booke of Statutes, this commission being enacted in the tenth yere of the Kings reigne. Now if such a commission were in these daies granted to the faithfull men, that haue no interest in the sales, gifts nor purchases, nor in the keeping of the jewels at the Queenes death, nor in the obtaining, graunts of the Kings best lands, I cannot say what may be recouered, and justly recovered; and what say your Lordship, was not this a noble act for the King, if it had beene followed to effect?

COVNS. I cannot tell whether it were or no, for it gaue power to the Commissioners to examine all the graunts.

IVST. Why my Lord, doth the King graunt any thing, that shames at the examination? are not the Kings grants on record?

COVNS. But by your leaue, it is some dishonour to a King, to haue his judgement called in question.

IVST. That is true my Lord, but in this or whensoever the like shall be granted in the future, the Kings judgement is not examined, but their knavery that abused the K. Nay by your favour, the contrary is true, that when a King will suffer himselfe to bee eaten vp by a company of petty fellowes, by himselfe raised, therein both the judgement and courage is disputed. And if your Lordship will disdaine it at your owne seruants hands, much more ought the great heart of a King to disdaine it. And surely my Lord, it is a greater treason (though it vndercreepe the law) to teare from the Crowne the ornaments thereof: And it is an infallible maxime, that hee that loues not his Maiesties estate, loues not his person.

COVNS. How came it then, that the acte was not executed.

IVST. Because these, against whom it was granted, perswaded the King to the contrary, as the Duke of *Ireland*, *Suffolke*, the chiefe Iustice *Tresilian*, & others, yea that which was lawfully done by the King, and the great Councell of the kingdome, was (by the mastery which *Ireland*, *Suffolke*,

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and *Tresilian* had ouer the Kings affections) broken and disavowed. Those that deuised to relieue the King not by any private invention, but by generall Councell, were by a private and partiall assemblie adjudged traitors, and the most honest Iudges of the land, enforced to subscribe to that judgment. In so much that Iudge *Belknap* plainely told the Duke of *Ireland*, and the Earle of *Suffolke*, when he was constrained to set to his hand, plainely told these Lords, that he wanted but a rope, that he might therewith receiue a reward for his subscription. And in this Councell of *Notingham* was hatched the ruine of those which gouerned the King, of the Iudges by them constrained, of the Lords that loued the King, and sought a reformation, and of the King himselfe; for though the King found by all the Shrieues of the shires, that the people would not fight against the Lordes, whom they thought to be most faithfull vnto the King, when the Citizens of *London* made the same answer, being at that time able to arme 50000 men, & told the Major that they would never fight against the Kings friends, and defenders of the Realme, when the Lord *Ralph Basset*, who was neere the K. told the King boldly, that he would not adventure to haue his head broken for the Duke of *Irelands* pleasure, when the Lord of London told the Earle of *Suffolke* in the Kings presence, that he was not worthy to liue, &c. yet would the King in the defence of the destroyers of his estate, lay ambushes to intrap the Lords, when they came vpon his faith, yea when all was pacified, and that the King by his Proclamation had cleer'd the Lords, and promised to produce *Ireland*, *Suffolke*, & the Archbishop of *Yorke*, *Tresilian* and *Bramber*, to answere at the next Parliament, these men confest, that they durst not appeare, and when *Suffolke* fled to *Callice*, and the Duke of *Ireland* to *Chester*, the King caused an army to be leavied in *Lancashire*, for the safe conduct of the Duke of *Ireland* to his presence, when as the Duke being encountered by the Lords, ranne like a coward from his company, and fled into *Holland*. After this was holden a Parliament, which was called that wrought wonders. In the Eleuenth yeare

of this King, wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chiefe Iustice hang'd with many others, the rest of the Iudges condemned, and banisht, and a 10th and a 15th given to the King.

COVNS: But good Sir: the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man durst contradict them.

IVST: Certainly in raising an army, they committed treason, and though it did appeare, that they all loued the King, (for they did him no harme, hauing him in their power) yet our Law doth construe all leavying of war without the kings commission, and all force raised to be intended for the death & destruction of the K. not attending the sequell. And it is so iudged vpon good reason, for euery vnlawfull and ill action is suppos'd to be accompanied with an ill intent. And besides, those Lords vsed too great crueltie, in procuring the sentence of death against diuers of the Kings servants, who were bound to follow and obey their Master and Soueraigne Lord, in that he commanded.

COVNS. It is true, and they were also greatly to blame to cause then so many seconds to be put to death, seeing the principals, *Ireland*, *Suffolke*, and *Yorke*, had escaped them. And what reason had they to seeke to enforme the State by strong hand, was not the Kings estate as deere to himselfe, as to them? He that maketh a King know his errour manerly and priuate, and giues him the best advice, hee is discharged before God and his owne conscience. The Lords might haue retired themselues, when they saw they could not prevaile, and haue left the King to his owne wayes, who had more to lose then they had.

IVST. My Lord, the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords that the K. being vnder yeres, and being wholly gouerned by their enimies & the enimies of the kingdome, and because by those evill mens perswasions, it was aduised, how the Lords should haue bin murthered at a feast in *London*, they were excusable during the Kings minority to stand vpon their guards against

their particular enemies. But we will passe it ouer and go on with our parliaments that followed, whereof that of Cambridge in the Ks. 12th yeare was the next, therein the K. had giuen him a 10th & a 15th, after which being 20. yeres of age rechãged (saith *H. Knighton*) his Treasurer, his Chancellor, the Iustices of either bench, the Clerk of the priuy seale & others, & tooke the gouernment into his owne hands. He also tooke the Admirals place frõ the Earle of *Arundel*, and in his roome hee placed the Earle of *Huntingdon* in the yeare following, which was the 13. yeare of the K. in the Parliament at *Westminster* there was giuen to the King vpon euery sacke of wooll 14s and 6d in the pound vpon other Merchandise.

COVNS. But by your leaue, the King was restrained this parliament, that he might not dispose of, but a third part of the money gathered.

IVST: No my Lord, by your fauour. But true it is that part of this mony was by the Kings consent assigned towards the wars but yet left in the Lords Treasurers hands. And my Lo: it would be a great ease, and a great sauing to his Maiesty our Lord and Master, if it pleased him to make his assignations vpon some part of his reuenewes, by which hee might haue 1000l vpon euery 10000l, and saue himselfe a great deale of clamour. For seeing of necessity the Nauy must be maintained, and that those poore men aswell Carpenters as ship-keepers must be paid, it were better for his Maiesty to giue an asignation to the treasurer of his nauy for the receiuing of so much as is called ordinary, then to discontent those poore men, who being made desperate beggars, may perchance be corrupted by them that lye in waite to destroy the Ks estate. And if his Maiestie did the like in all other payments, especially where the necessity of such as are to receiue, cannot possible giue dayes, his Maiestie might then in a little rowle behold his receipts and expences, hee might quiet his heart when all necessaries were provided for, and then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this haue bin done, if the 400000l had been raised as aforesaid vpon the Kings lands, and wards, I say that his Maiesties house, his nauy, his guards, his pensioners,

his munition, his Ambassadors and all else of ordinary charge might haue beene defrayed, and a great summe left for his Maiesties casuall expences and rewardes, I will not say they were not in loue with the Kings estate, but I say they were vnfortunately borne for the King that crost it.

COVNS. Well Sir, I would it had been otherwise. But for the assignements, there are among vs that will not willingly indure it, Charity begins with it selfe, shall wee hinder our selues of 50000l *per annum* to saue the King 20? No Sir, what will become of our new-yeares gifts, our presents and gratuities? We can now say to those that haue warrants for money, that there is not a peny in the Exchequer, but the King giues it away vnto the Scottes faster then it comes in.

IVST. My Lord you say well, at least you say the trueth, that such are some of our answeres, and hence comes that generall murmure to all men that haue money to receiue, I say that there is not a penny giuen to that nation, be it for seruice or otherwise but it is spread ouer all the Kingdome: yea they gather notes, and take copies of all the priuy seales and warrants that his Maiestie hath giuen for the mony for the Scots, that they may shew them in Parliament. But of his Maiesties gifts to the English, there is no bruite though they may be ten times as much as the Scots. And yet my good Lord, howsoeuer they be thus answered that to them, sue for mony out of the Exchequer, it is due to them for 10 or 12. or 20 in the hundred abated, according to their qualities that shew, they are alwaies furnished. For conclusion, if it would please God to put into the Kings heart to make their assignations, it would saue him many a pound and gaine him many a prayer, and a great deale of loue, for it grieueth euery honest mans heart to see the abundance which euen the petty officers in the Exchequer, and others gathers both from the king and subiect, and to see a world of poore men runne after the king for their ordinary wages.

COVNS. Well, well, did you neuer heare this old tale, that when there was a great contentation about the weather the Seamen complaining of contrary windes, when those of the

the high Countries desired raine, and those of the valleyes sunshining dayes, *Iupiter* sent them word by *Mercury*, then, when they had all done, the weather should be as it had bin, And it shall euer fall out so with them that complaine, the course of payments shall be as they haue beene, what care we what petty fellowes say? or what care wee for your papers? haue not we the Kings eares, who dares contest with vs? though we cannot be revenged on such as you are for telling the trueth, yet vpon some other pretence, wee'le clap you vp, and you shall sue to vs ere you get out. Nay wee'le make you confesse that you were deceiued in your proiects, and eate your owne words: learne this of me Sir, that as a little good fortune is better then a great deale of vertue: so the least authority hath advantage over the greatest wit, was he not the wisest man that said, *the battaile was not to the strongest, nor yet bread for the wise, nor riches to men of vnderstanding, nor fauour to men of knowledge:* but what time & chance came to them all.

IVST. It is well for your Lordship that it is so. But Qu: *Elizabeth* would set the reason of a meane man, before the authority of the greatest Councellour she had, and by her patience therein shee raised vpon the vsuall and ordinarie customs of London without any new impositió aboue 50000l a yeare, for though the Treasurer *Burleigh*, and the Earle of Leicester, and Secretary *Walsingam*, all three pensioners to Customer *Smith*, did set themselues against a poore waiter of the Custome house called *Carwarden*, and commaunded the groomes of the privy chamber not to giue him accesse, yet the Queene sent for him, and gaue him countenance against them all. It would not serue the turne, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads was a dishonour to her selfe, but she had alwaies this answere, *That if any man complaine vniustly against a Magistrate, it were reason he should be seuerely punished, if justly, shee was Queene of the small, aswell as of the great, and would heare their complaints.* For my good Lord, a Prince that suffereth himselfe

himselfe to be besieged, forsaketh one of the greatest regalities belonging to a Monarchie, to wit, the last appeale, or as the French call it, *le dernier resort.*

COVNS: Well Sir, this from the matter, I pray you go on.

IVST. Then my Lord, in the kings 15 yeare he had a tenth and a fifteene granted in Parliament of London. And that same yeare there was a great Councell called at Stamford to which diuers men were sent for, of diuers Counties besides the Nobility, of whom the K. tooke aduice whether he should continue the war, or make a finall end with the French.

COVNS. What needed the king to take the aduice of any but of his owne Councell in matter of peace and warre.

IVST. Yea my Lord, for it is said in the Prouerbes, *Where are many Counsellers, there is health.* And if the King had made the warre by a generall consent, the Kingdome in generall were bound to maintaine the warre, and they could not then say when the King required ayde, that he vndertooke a needlesse war.

COVNS. You say well, but I pray you go on.

IVST. After the subsedy in the 15. yeare, the King desired to borrow 10000l of the Londoners, which they refused to lend.

COVNS. And was not the King greatly troubled therewith.

IVST: Yea but the King troubled the Londoners soone after, for the King tooke the aduantage of a ryot made vpon the Bishop of Salisbury his men, sent for the Maior, and other the ablest Citizens, committed the Maior to prison in the Castle of Windsor, and others to other castles, and made a Lord Warden of this citty, till in the end what with 10000l ready money, and other rich presents, insteed of lending, 10000l it cost them 20000l. Betweene the fifteenth yeare and twentieth yeare, he had two aydes giuen him in the Parliaments of Winchester and Westminster: and this later was giuen to furnish the Kings journey into Ireland, to establish that estate which was greatly shaken since the death of the

the Kings Grandfather, who receiued thence yerely 30000l and during the Kings stay in Ireland he had a 10th and a 15th granted.

COVNS. And good reason, for the King had in his army 4000. horse an 30000. foote.

IVST. That by your fauour, was the Kings sauity: for great armies doe rather deuour themselues then destroy enemies. Such an army, (whereof the fourth part would haue conquered all *Ireland*) was in respect of *Ireland* such an an army as *Xerxes* led into Greece, in this twentieth yeare, wherein he had a tenth of the Cleargy, was the great conspiracy of the Kings vnckle, the Duke of *Gloceſter*, and of *Moubray*, *Arundell*, *Nottingham*, and *Warwicke*, the Archbishop of *Canterbury* and the Abbot of *Westminster*, and others who in the 21th yeere of the King were all redeemed by Parliament. and what thinks your Lordship, was not this assembly of the 3. states for the Kings estate, wherein he so preuailed, that he not onely ouerthrew those popular Lords, but besides (the English Chronicle saith, the King so wrought and brought things about, that he obtained the power of both houses to be granted to certaine persons, to 15. Noblemen and Gentlemen, or to seauen of them.

COVNS. Sir, whether the King wrought well or ill I cannot judge, but our Chronicles say, that many things were done in this Parliament, to the displeasure of no small number of people, to wit, for that diuers rightfull heires were disinherited of their lands and liuings, with which wrongfull doings the people were much offended, so that the King with those that were about him, and chiefe in Counsell, came into great infamy and slander.

IVST. My good Lord, if your Lordship will pardon mee, I am of opinion that those Parliaments wherein the kings of this land haue satisfied the people, as they haue beene euer prosperous, so where the King hath restrained the house, the contrary hath happened; for the Ks. atchieuements in this Parliament, were the ready preparations to his ruine.

COV. You mean by the generall discontentmēt that follow-

ed, and because the King did not proceede legally with Glocester and others. Why Sir, this was not the first time that the Kings of *England* haue done things without the Counsell of the land: yea, contrary to the law.

IVST. It is true my Lord, in some particulars, as euen at this time the Duke of *Glocester* was made away at *Calice* by strong hand, without any lawfull triall: for he was a man so beloued of the people and so allyed, hauing the Dukes of *Lancaster* and *Yorke* his brethren, the Duke of *Aumarle* and the Duke of *Hereford* his Nephewes, the great Earles of *Arundell* and *Warwicke*, with diuers other of his part in the conspiracy, as the King durst not trie him according to the law: for at the tryall of *Arundell* and *Warwicke*, the King was forced to entertaine a petty army about him. And though the Duke was greatly lamented, yet it cannot be denyed but that he was then a traytor to the King. And was it not so my Lord with the Duke of *Guise*: your Lordship doth remember the spurgald prouerbe, that *necessitie hath no law*: and my good Lord, it is the practise of doing wrong, and of generall wrongs done, that brings danger, and not where kings are prest in this or that particular, for there is great difference betweene naturall crueltie and accidentall. And therefore it was *Machiauels* advice, that *all that a King did in that kind, he shall doe at once, and by his mercies afterwards make the world know that his cruelty was not affected.* And my Lord take this for a generall rule, that the immortall policy of a state cannot admit any law or priuiledge whatsoeuer, but in some particular or other, the same is necessarily broken, yea in an *Aristocratia* or popular estate, which vaunts so much of equality and common right, more outrage hath beene committed then in any Christian Monarchy.

COVNS But whence came this hatred betweene the Duke and the King his Nephew.

IVST My Lord, the Dukes constraining the King, when he was young, stucke in the Kings heart, and now the Dukes proud speech to the King when hee had rendred *Brest* formerly

merly engaged to the Duke of Brittaine, kindled againe these coales that were not altogether extinguished, for hee vsed these words: *Your grace ought to put your body in great paine to winne a strong hold or towne by feates of armes, ere you take vpon you to sell or deliuer any towne gotten by the manhood and strong hand and policy of your noble progenitors.* Whereat, saith the story, the King changed his countenance, &c: and to say trueth, it was a proud and maisterly speech of the Duke; besides that inclusiuely hee taxed him of sloath and cowardice, as if he had neuer put himselfe to the adventure of winning such a place, vndutifull wordes of a subiect doe often take deeper roote then the memory of ill deedes doe: The Duke of Biron found it when the King had him at advantage. Yea the late Earle of Essex told Queene *Elizabeth* that her conditions was as crooked as her carkasse but it cost him his head; which his insurrection had not cost him, but for that speech, *Who will say vnto a King (saith Iob) thou art wicked.* Certainly it is the same thing to say vnto a Lady, thou art crooked (and perchance more) as to say vnto a King that he is wicked, and to say that he is a coward, or to vse any other wordes of disgrace, it is one and the same errour. *Humanum est errare.*

COVNS: But what say you for Arundell, a braue and valiant man, who had the Kings pardon of his contempt during his minority.

IVST. My good Lord, the Parliament which you say disputes the Kings prerogatiue, did quite contrary, and destroyed the Kings charter and pardon formerly giuen to Arundel. And my good Lord, do you remember that at the Parliament that wrought wonders, when these Lords compounded that parliament, as the King did this, they were so mercilesse towards all, that they thought their enemies, as the Earle of Arundell most insolently suffered the Qu: to kneele vnto him 3. houres for the sauing of one of her seruants, and that scorne of his *manebat alto mente repostum.* And to say the truth, it is more barbarous & vnpardonable then any act that ever hee did, to permit the wife of his Soueraigne to

kneele to him being the Kings vassaile. For if he had saued the Lords seruant freely at her first request, as it is like enough that the Qu: would also haue saued him, *Miseris succurrens paria obtinebis aliquando*: For your Lordship sees that the Earle of *Warwicke* who was as farre in the treason as any of the rest, was pardoned. It was also at this parliament that the Duke of *Hereford* accused *Mowbray* Duke of *Norfolke*, and that the Duke of *Hereford* Sonne to the Duke of *Lancaster*, was banished to the Kings confusion, as your Lordship well knowes.

COVNS. I know it well, and God knowes that the K. had then a silly and weake Counsell about him, that perswaded him to banish a Prince of the blood, a most valiant man, and the best beloued of the people, in generall of any man liuing, especially considering that the K. gaue euery day more then other offence to his subiects. For besides that he fined the inhabitants that assisted the Lords in his Minority (of the 17. shires) which offence he had long before pardoned, his blanke Charters, and letting the Realme to farme to meane persons, by whom he was wholly adviſed, increased the peoples hatred towards the present gouernment.

IVST. You say well my L. Princes of an ill destiny do alwayes follow the worst counsell, or at least imbrace the best after opportunity is lost, *Qui consilia non ex suo corde sed alienis viribus colligunt, non animo sed auribus cogitant*. And this was not the least griefe of the subiect in generall, that those men had the greatest part of the spoile of the commonwealth which neither by vertue valour or councell could adde any thing vnto it: *Nihil est sordidius, nihil crudelius*, (saith *Anto: Pius*) *quāsi Remp. ij arrode, qui nihil in eam suo labore conferent*.

COVNS. Indeed the letting to farme the Realme was very grieuous to the subiect.

IVST. Will your Lordship pardon me if I tell you that the letting to farme of his Maiesties Customes (the greatest revenue of the Realme) is not very pleasing.

COVNS. And why I pray you, doth not the K. therby raise his profits euery third yeare, and one farmer outbids another to the Kings aduantage.

IVST.

IVST. It is true my Lord, but it grieues the subiect to pay custome to the subject, for what mightie men are those Farmers become, and if those Farmers get many thousands every yeare, as the world knowes they doe, why should they not now (being men of infinite wealth) declare vnto the K. vpon an oath, what they haue gained, and henceforth become the Kings collectors of his Custome, did not Queene *Elizabeth* who was reputed both a wise and just Princesse, after shee had brought *Customer Smith* from 14000l. a yeare to 42000l a yeare made him lay downe a recompence for that which hee had gotten? And if these Farmers doe giue no recompence let them yet present the King with the trueth of their receivings and profits. But my Lord for conclusion, after *Bollingbrooke* arriuing in *England* with a small troope: Notwithstanding the King at his landing out of *Ireland*, had a sufficient and willing army: yet hee wanting courage to defend his right gaue leaue to all his souldiers to depart, and put himselfe into his hands that cast him into his graue.

COVNS. Yet you see, he was depos'd by Parliament.

IVST. Aswell may your Lordship say hee was knock't in the head by Parliament, for your Lordship knowes, that if King *Richard* had euer escaped out of their fingers that deposed him, the next Parliament would haue made all the deposers traitors and Rebels and that iustly. In which Parliamēt or rather vnlawfull assembly, there appeared but one honest man, to wit, the B. of *Carliel*, who scorned his life, and estate, in respect of right & his allegiance, & defēded the right of his Soueraigne Lo: against the K. elect and his partakers.

COVNS. Well I pray goe on with the Parliaments held in the time of his successor *Henry* the fourth.

IVST. This King had in his third yeare a subsedy, and in his fift a tenth of the Clergy without a Parliament; In his sixt yeare he had so great a subsedie, as the House required there might bee no record thereof left to posterity, for the House gaue him 20s of euery Knights Fee, and of euery 20l land, 20d and 12d the pound of goods.

COVNS. Yea in the end of this yere, the Parliamēt prest the

King to annex vnto the Crowne all temporall possessions belonging to Church-men within the land, which at that time, was the third foote of all *England*. But the Bishops made friends, and in the end saued their estates.

IVST. By this you see, my Lord, that *Cromwell* was not the first that thought on such a busines. And if King *Henry* the 8th had restrued the Abbeyes, and other Church lands, which he had giuen at that time, the reuenue of the Crowne of *England*, had exceeded the reuenue of the Crowne of *Spaine*, with both the *Indies*, whereas vsed as it was, (a little enriched the Crowne) serued but to make a number of pettifoggers, and other gentlemen.

COVNS. But what had the king in steed of this great revenue.

IVST. Hee had a 15th of the Commons, and a tenth, and a halfe of the Clergy, and withall, all pensions graunted by king *Edward*, and king *Richard* were made voide. It was also moued, that all Crowne lands formerly giuen (at least given by K. *Ed.* and K. *Rich:*) should be taken backe.

COVNS. What thinke you of that, Sir? would it not haue beene a dishonour to the King? and would not his Successors haue done the like to those that the King had aduanced?

IVST. I cannot answere your Lordship, but by distinguishing, for where the Kings had giuen land for seruices, and had not beene ouer-reached in his gifts, there it had bin a dishonour to the king, to haue made voide the graunts of his predecessors, or his graunts, but all those graunts of the kinges, wherein they were deceived, the very custome and policy of *England* makes them voyde at this day.

COVNS. How meane you that, for his Maiestie hath given a great deale of Land among vs since he came into *England*, and would it stand with the kinges honour to take it from vs againe.

IVST. Yea my Lord, very well with the kinges honour, if your Lordship, or any Lord else, haue vnder the name of 100l land a yeare, gotten 500l land, and so after that rate.

COVNS.

Covns. I will neuer believe that his Maiestie will ever doe any such thing.

Ivst. And I believe as your Lordship doth, but we spake e're-while of those that dissuaded the King from calling it a Parliament: And your Lordship asked me the reason, why any man should dissuade it, to feare it, to which, this place giues me an opportunity to make your Lordship an answer. for though his Maiesty will of himselfe never question those graunts, yet when the Commons shall make humble petition to the King in Parliament, that it will please his Maiestie to assist them in his reliefe, with that which ought to be his owne, which, if it will please his Majestie to yeeld vnto, the house will most willingly furnish and supply the rest, with what grace can his Majestie deny that honest suite of theirs, the like hauing beene done in many Kings times before? This proceeding, my good Lord, may perchance proue all your phrases of the Kings honour, false *English*.

Covns. But this cannot concerne many, and for my self, I am sure it concernes me little.

Ivst. It is true my Lord, and there are not many that dissuade his Maiestie from a Parliament.

Covns. But they are great ones, a few of which will serue the turne well enough.

Ivst. But my Lord, be they neuer so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K. may be else-where supplied, for they otherwise runne into a dangerous fortune.

Covns. Hold you contented Sir, the King needes no great dissuasion.

Ivst. My Lord, learne of me, that there is none of you all, that can pierce the King. It is an essentiall property of a man truely wise, not to open all the boxes of his bosome, even to those that are neareſt and dearest vnto him, for when a man is discovered to the very bottome, he is after the lesse esteemed. I dare vndertake, that when your Lordship hath served the King twice twelue yeares more, you will finde, that his

Majestie

Maiestie hath reserued somewhat beyond all your capacities, his Maiestie hath great reason to put off the Parliament, at his last refuge, and in the meane time, to make tryall of all your loues to serue him, for his Maiestie hath had good experience, how well you can serue your selues: But when the King finds, that the building of your owne fortunes and factions, hath beene the diligent studies, and the seruice of his Maiestie, but the exercises of your leasures: Hee may then perchance cast himselfe vpon the generall loue of his people, of which (I trust) hee shall neuer be deceiued, and leaue as many of your Lordships as haue pilfered from the Crowne, to their examination.

COVNS. Well Sir, I take no great pleasure in this dispute, goe on I pray.

IVST. In that Kings 5th yeare, hee had also a subsedy, which is got by holding the house together from Easter to Christmas, and would not suffer them to depart. He had also a subsedy in his ninth yeare. In his eleuenth yeare the commons did againe presse the king to take all the temporalities of the Church-men into his hands, which they proued sufficient to maintaine 150. Earles, 1500. knights, & 6400. Esquiers, with a hundred hospitals, but they not preuayling, gaue the King a subsedy.

Hen. 5. As for the notorious Prince, *Henry* the fift, I find that he had giuen him in his second yeare 300000. markes, and after that two other subsidies, one in his fifth yeare, another in his ninth, without any disputes.

Hen. 6. In the time of his successour *Henry* the sixt, there were not many subsedies. In his third yeare, he had a subsedy of a Tunnage and poundage. And here (saith *Iohn Stow*) began those payments, which we call customes, because the payment was continued, whereas before that time it was granted but for a yeare, two, or three, according to the kings occasions. He had also an ayde and gathering of money in his fourth yeare, and the like in his tenth yeare, and in his thirteenth yere a 15th. He had also a fifteenth for the conueying

of

of the Queene out of *France* into *England*. In the twenty eight yeare of that King was the acte of Resumption of all honours, townes, castles, Signieuries, villages, Manors, lands, tenements, rents, reversions, fees; &c. But because the wages of the Kings seruants, were by the strictnes of the acte also restrained, this acte of Resumption was expounded in the Parliament at *Reading* the 31. yeare of the Kings reigne.

COVNS. I perceiue that those acts of Resumption were ordinary in former times; for King *Stephen* resumed the lands, which in former times he had giuen to make friends during the Ciuill warres. And *Henry* the second resumed all (without exception) which King *Stephen* had not resumed; for although King *Stephen* tooke backe a great deale, yet hee suffered his trustiest servants to enjoy his gift.

IVST. Yes my Lord, and in after times also; for this was not the last, nor shall be the last, I hope. And judge you my Lord, whether the Parliaments doe not only serue the King, whatsoeuer is said to the contrary; for as all King *Henry* the 6. gifts and graunts were made voyde by the Duke of *Yorke*, when he was in possession of the kingdome by Parliament. So in the time of *K.H.* when *K.Edw:* was beaten out again, the Parliament of *Westminster* made all his acts voyde, made him and all his followers traytors, and gaue the King many of their heads & lands. The Parliaments of *England* doe alwaies serue the King in possession. It serued *Rich.* the second to condemne the popular Lords. It serued *Bolingbrooke* to depose *Rich.* When *Edw.* the 4. had the Scepter, it made them all beggars that had followed *H.* the 6. And it did the like for *H.* when *Edw.* was driuen out. The Parliaments are as the friendship of this world is, which alwayes followeth prosperity. For *K.Edw.* the 4: after that he was possessed of the Crown, he had in his 13. yeare a subsedy freely giuen him: & in the yeare following hee tooke a benevolence through *England*, which arbitrary taking from the people, seru'd that ambitious traytor the Duke of Bucks. After the Kings death was a plausible argument to perswade the multitude,

that they ſhould not permit (ſaith Sir *Thomas Moore*) his line to raigne any longer vpon them.

COVNS. Well Sir, what ſay you to the Parliament of *Richard* the third his time?

IVST. I finde but one, and therein he made diuerſe good Lawes. For K. *Henry* the ſeuenth in the beginning of his third yeare he had by Parliament an ayde granted vnto him, towards the reliefe of the Duke of *Brittaine*, then aſſailed by the *French* King. And although the King did not enter into the warre, but by the advice of the three eſtates, who did willingly contribute: Yet thoſe Northerne men which loued *Richard* the third, raiſed rebellion vnder colour of the mony impos'd, & murthered the Earle of *Northumberland* whom the King employed in that Collection. By which your Lordſhip ſees, that it hath not beene for taxes and impoſitions alone, that the ill diſpoſed haue taken Armes; but euen for thoſe payments which haue beene appointed by Parliament.

COVNS. And what became of theſe Rebels?

IVST. They were fairely hang'd, and the money levied notwithſtanding, in the Kings firſt yeare he gathered a marvailous great maſſe of mony, by a benevolence, taking patterne by this kind of levie from *Edw.* 4th. But the King cauſed it firſt to be moued in Parliament where it was allowed, becauſe the poorer ſort were therein ſpared. Yet it is true that the King vſed ſome arte, for in his Letters hee declared that hee would meaſure euery mans affections by his gifts. In the thirteenth yeare hee had alſo a ſubſedy, whereupon the Corniſh men tooke Armes, as the Northerne men of the Biſhoppricke had done in the third yeare of the King.

COVNS. It is without example, that euer the people haue rebelled for any thing granted by Parliament, ſaue in this kings dayes.

IVST. Your Lordſhip muſt conſider, that he was not ouer much belou'd, for hee tooke many advantages vpon the people and the Nobility both.

COVNS.

COVNS. And I pray you what say they now of the new impositions lately laid by the Kings Maiesty? doe they say that they are justly or vniustly laide.

IVST. To impose vpon all things brought into the Kingdome is very ancient: which imposing when it hath beene continued a certaine time, is then called Customes, because the subiects are accustomed to pay it, and yet the great taxe vpon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many yeares. But we doe now a dayes vnderstand those things to bee impositions, which are raised by the commaund of Princes, without the aduice of the common-wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogatiue royall: Now whether it be time or consent that makes them just, I cannot define, were they just because new, or not justified yet by time, or vnjust because they want a generall consent: yet is this rule of *Aristotle* verified in respect of his Maiestie: *Minus timent homines iniustum pati à principe quem cultorem dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Inuention of the Kings, and if those that aduised his Maiestie to impose them, had raised his lands (as it was offered them) to 20000l more then it was, and his wards to asmuch as aforesaid, they had done him farre more acceptable seruice. But they had their own ends in refusing the one, and accepting the other. If the land had beene raised, they could not haue selected the best of it for themselues: If the impositions had not been laid, some of them could not haue their silkes, others peeces in farme, which indeed grieued the subiect tenne times more then that which his Maiestie enioyeth. But certainely they made a great advantage that were the advisers, for if any tumult had followed his Maiestie, readie way had beene to haue deliuered them ouer to the people.

COVNS. But thinke you that the King would haue deliuered them if any troubles had followed?

IVST. I know not my Lord, it was *Machiauels* counsell to *Cæsar Borgia* to doe it, and *K. H.* the 8. deliuered vp *Empson* and *Dudley*, yea the same King, when the great Cardinall *Woolsey*, who gouerned the King and all his estate, had (by requiring the sixt part of euery mans goods for the King) raised rebellion, the King I say disavowed him absolutely, that had not the Dukes of *Norfolke* and *Suffolke* appeased the people, the Cardinall had sung no more Masse: for these are the words of our Story; The King then came to *Westminster* to the Cardinals palace, and assembled there a great Councell in which he protested, that *his minde was neuer to aske anything of his commons which might sound to the breach of his Lawes.* Wherefore hee then willed them to know by whose meanes they were so strictly giuen foorth. Now my Lord, how the Cardinall would haue shifted himselfe, by saying, *I had the opinion of the Iudges*, had not the rebellion beene appeas'd, I greatly doubt.

COVNS. But good Sir, you blanch my question, and answere mee by examples. I aske you whether or no in any such tumult, the people pretending against any one or two great Officers, the King should deliuer them, or defend them?

IVST. My good Lord, the people haue not stayde for the kings delivery, neither in *England*, nor in *France*: Your Lordship knowes how the Chancellour, Treasurer, and Chiefe Iustice with many others at seuerall times haue been vsed by the Rebels: And the Marshals, Constables, and Treasurers in *France*, haue beene cut in peeces in *Charles* the sixt his time. Now to your Lordships question, I say that where any man shall giue a King perilous advice as may either cause a Rebellion, or draw the peoples loue from the King, I say, that a King shall be advised to banish him: But if the King doe absolutely command his seruant to doe any thing displeasing to the Common-wealth, and to his own perill, there is the King bound in honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay

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any invention either grieuous or against law vpon the Kings Maiesty: And therefore your Lordships must share it amongst you.

COVNS. For my part, I had no hand in it, (I thinke) *Ingram* was he that propounded it to the Treasurer.

IVST. Alas my good Lord, euery poore wayter in the Custome-house, or euery promooter might haue done it, there is no invention in these things. To lay impositions, and sell the Kings lands, are poore and common deuises. It is true that *Ingram* and his fellowes are odious men, and therefore his Maiestie pleas'd the people greatly to put him from the Coffership. It is better for a Prince to vse such a kinde of men, then to countenance them, hang men are necessary in a common-wealth: yet in the Netherlands, none but a hangmans sonne will marry a hangmans daughter. Now my Lord, the last gathering which *Henry* the seuenth made, was in his twentieth yeare, wherein hee had another benevolence both of the Clergy and Laitie, a part of which taken of the poorer sort, hee ordained by his testament that it should bee restored. And for King *Henry* the eight, although he was left in a most plentifull estate yet hee wonderfully prest his people with great payments; for in the beginning of his time it was infinite that he spent in Masking and Tilting, Banquetting, and other vanities, before he was entred into the most consuming expence of the most fond and fruitlesse warre that euer King vndertooke. In his fourth yeare he had one of the greatest subsedies that euer was granted; for besides two sifteenes and two dismes, he vsed *Dauids* law of capitation or head money, and had of euery Duke ten markes, of euery Earle fiue pounds, of euery Lord foure pounds, of euery Knight foure markes, and euery man rated at 8^{l} in goods 4 markes, and so after the rate; yea euery man that was valued but at 40^{s} paide 12^{d}, and euery man and woman aboue 15 yeares 4^{d}. Hee had also in his sixt yeare diuers subsedies granted him. In his fourteenth, there was a tenth demaunded of euery mans goods, but it was moderated. In the Parliament following,

the Clergy gaue the King the halfe of their ſpiritualll liuings for one yeare, & of the Laity there was demanded 800000l, which could not be leavied in England, but it was a marveilous great gift that the King had giuen him at that time. In the Kings ſeuenteenth yeere was the rebellion before ſpoken of, wherein the King diſavowed the Cardinall: In his ſeuenteenth yeare hee had the tenth and fiftteenth giuen by Parliament, which were before that time paide to the Pope. And before that alſo, the moneyes that the King borrowed in his fifteenth yeare were forgiuen him by Parliament in his ſeuenteenth yeare. In his 35 yeare a ſubſedy was granted of 4d the pound of euery man worth in goods from 20s to 5l from 5l to 10l and vpwards of euery pound 2s. And all ſtrangers, deniſens and others doubled this ſumme, ſtrangers not being inhabitants aboue 16. yeares 4d a head. All that had Lands. Fees, and Annuities, from 20 to 5. and ſo double as they did for goods: And the Clergy gaue 6d the pound. In the thirty ſeuenth yeere, a Benevolence was taken not voluntary, but rated by Commiſſioners, which becauſe one of the Aldermen refuſed to pay, he was ſent for a ſouldier into *Scotland*. He had alſo another great ſubſedy of ſixe ſhillings the pound of the Clergy, and two ſhillings eight pence of the goods of the Laity, and foure ſhillings the pound vpon Lands.

In the ſecond yeare of *Edward* the ſixt, the Parliament gaue the King an ayde of twelue pence the pound of goods of his natural ſubiects, and two ſhillings the pound of ſtrangers, and this to continue for three yeares, and by the ſtatute of the ſecond and third of *Edward* the ſixt, it may appeare, the ſame Parliament did alſo giue a ſecond ayde, as followeth, (to wit) of every Ewe kept in ſeuerall paſtures, 3d: of euery weather kept as aforeſaid 2d: of euery ſheepe kept in the Common, 1d ob. The houſe gaue the King alſo 8d the pound of euery woollen cloath made for the ſale throughout *England* for three yeares. In the third and fourth of the King, by reaſon of the troubleſome gathering of the polymony vpon ſheepe, and the taxe vpon cloath, this acte of ſub-

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ſedy was repeal'd, and other reliefe giuen the King, and in the kings ſeauenth yeare hee had a ſubſedy and two fifteenes.

In the firſt yeare of Queene *Mary*, tunnage and poundage were granted. In the ſecond yeare a ſubſedy was giuen to King *Philip*, and to the Queene, ſhee had alſo a third ſubſedy *in Annis* 4. & 5. *M. R.*

Now my Lord, for the Parliaments of the late Queenes time, in which there was nothing new, neither head money, nor ſheepe money, nor eſcuage, nor any of theſe kindes of payments was required, but onely the ordinary ſubſedies, & thoſe as eaſily graunted as demaunded, I ſhall not neede to trouble your Lordſhip with any of them, neither can I informe your Lordſhip of all the paſſages and actes which haue paſſed, for they are not extant, nor printed. *Eliz. R.*

COVNS. No, it were but time loſt to ſpeake of the latter, and by thoſe that are already remembred, we may iudge of the reſt, for thoſe of the greateſt importance are publique. But I pray you deale freely with mee, what you thinke would bee done for his Maieſtie, if hee ſhould call a Parliament at this time, or what would be required at his Maieſties hands?

IVST. The firſt thing that would be required, would be the ſame that was required by the Commons in the thirteenth yeare of *H.* the 8 (to wit) that if any man of the commons houſe ſhould ſpeake more largely, then of duety hee ought to doe, all ſuch offences to be pardoned, and that to be of record.

COVNS. So might euery Companion ſpeake of the King what they liſt.

IVST. No my Lord, the reuerence which a Vaſſall oweth to his Soueraigne, is alwaies intended for euery ſpeech, howſoeuer it muſt import the good of the King, and his eſtate, and ſo long it may bee eaſily pardoned, otherwiſe not; for in Queene *Elizabeths* time, who gaue freedome of ſpeech in all Parliaments, when *Wentworth* made thoſe moti-

motions, that were but sopposed dangerous to the Queenes estate, he was imprisoned in the Towre, notwithstãding the priviledge of the house, and there died.

COVNS. What say you to the *Scicilian vespers* remembred in the last Parliament?

IVST. I say, he repented him heartily that vsed that speech, and indeed besides that, it was seditious, this example held not: The *French* in *Scicily* vsurped that Kingdome, they kept neither law nor faith, they tooke away the inheritance of the inhabitants, they tooke from them their wiues, and rauished their daughters, committing all other insolencies that could be imagined. The Kings Maiesty is the Naturall Lord of *England*, his Vassals of *Scotland*, obey the English lawes, if they breake them, they are punished without respect. Yea his Maiesty put one of his Barons to a shamefull death, for being consenting onely to the death of a common Fencer: And which of these ever did or durst commit any outrage in *England*, but to say the trueth, the opinion of packing the last, was the cause of the contention and disorder that happened.

COVNS. Why sir? do you not thinke it best to compound a Parliament of the Kings seruants and others, that shall in all obey the Kings desires?

IVST. Certainely no, for it hath neuer succeeded well, neither on the kings part, nor on the subiects, as by the Parliament before-remembred your Lordshippe may gather, for from such a composition doe arise all jealousies, and all contentions. It was practised in elder times to the great trouble of the Kingdome, and to the losse and ruine of many. It was of latter time vsed by King *Henry* the eight, but euery way to his disaduantage. When the King leaues himselfe to his people, they assure themselues that they are trusted and beloued of their King, and there was neuer any assemblie so barbarous, as not to answere the loue and trust of their King. *Henry* the sixt when his estate was in effect vtterly ouerthrowne, aud vtterly impouerished at the

the humble request of his Treasurer made the same knowne to the House: Or otherwise, vsing the Tresurers owne words He humbly desired the King to take his Staffe, that he might saue his wardship.

Counc. But you know, they will presently be in hand with those impositions, which the King hath layd by his owne Royall Prerogatiue.

Just. Perchance not my Lord; but rather with those impositions that haue beene by some of your Lordships layde vpon the King, which did not some of your Lordships feare more then you doe the impositions layd vpon the Subiects, you would neuer dissuade his Maiestie from a Parliament: For no man doubted, but that his Maiestie was advised to lay those impositions by his Councell; and for particular things on which they were layd the aduice came from pettie fellowes (though now great ones) belonging to the Custome House. Now my Lord, what preiudice hath his Maiestie (his reuenue being kept vp) if the impositions that were laid by the aduice of a few, be in Parliament laid by the generall Councell of the Kingdome, which takes off all grudging and complaint.

Counc. Yea Sir, but that which is done by the King, with the aduice of his priuate or priuie Councell, is done by the Kings absolute power.

Just. And by whose power is it done in Parliament, but by the Kings absolute power? Mistake it not my Lord: The three Estates doe but aduise, as the prime Councell doth, which aduice if the King imbrace, it becomes the Kings own Act in the one, and the Kings law in the other, for without the Kings acceptation, both the publicke and priuate aduices be but as emptie Egg shels: and what doth his Maiestie lose if some of those things, which concernes the poorer sort be made free againe, and the Reuenue kept vp vpon that which is superfluous? It is a losse to the King to be beloued of the Commons? If it be reuenue which the King seekes, is it not better to take it of those that laugh, then of those that cry? Yea if all be content to pay vpon moderation and change of

the Species: Is it not more honourable and more safe for the King, that the Subiect pay by perswasion, then to haue them constrained? If they be contented to whip themselues for the King, were it not better to giue them the Rod into their hands, then to commit them to the Executioner? Certainly it is farr more happy for a Soueraigne Prince, that a Subiect open his purse willingly, then that the same be opened by violence. Besides, that when impositions are layd by Parliament, they are gathered by the authoritie of the Law, which (as aforesaid) reiecteth all complaints, and stoppeth euery mutinous mouth: It shall euer be my prayer that the King embrace the Councell of honour and safety, and let other Princes embrace that of force.

Counc. But good Sir, it is his Prerogatiue which the King stands vpon, and it is the prerogatiue of the Kings, that the Parliaments doe all diminish.

Just. If your Lordship would pardon me, I would say, then that your Lordships obiection against Parliaments is ridiculous. In former Parliaments three things haue beene supposed dishonour of the King. The first, that the Subiects haue conditioned with the King, when the King hath needed them to haue the great Charter confirmed: The second, that the Estates haue made Treasurers, for the necessarie and profitable disbursing of those summes by them giuen, to the end, that the Kings, to whom they were giuen, should expend them for their owne defence, and for the defence of the Common-wealth: Thr third, that these haue prest the King to discharge some great Officers of the Crowne, and to elect others. As touching the first my Lord, I would faine learne what disaduantage the Kings of this Land haue had by confirming the great Charter, the breach of which haue serued onely men of your Lordships ranke, to assist their owne passions, and to punish and imprison at their owne discretion the Kings poore Subiects. Concerning their priuate hatred, with the colour of the Kings seruice, for the Kings Maiestie takes no mans inheritance (as I haue said before) nor

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any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majestie imprison any man (matter of practise, which concernes the preseruation of his estate excepted) but by the law of the land. And yet he vseth his prerogatiue as all the Kings of *England* haue euer vsed it: for the supreame reason cause to practise many things without the aduice of the law. As in insurrections and rebellions, it vseth the Marshall, and not the common law, without any breach of the Charter, the intent of the Charter considered truely. Neither hath any Subject made complaint, or beene grieued, in that the Kings of this land, for their own safeties, & preseruatton of their estates, haue vsed their Prerogatiues, the great Ensigne, on which there is written *soli Deo*. And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peeres vncall'd? And withall, was not *Byron* vtterly (contrary to the customes and priuiledges of the *French*) denied an aduocate to assist his defence? for where lawes forecast cannot prouide remedies for future dangers, Princes are forced to assist themselues by their *Prerogatiues*. But that which hath beene euer grieuous, and the cause of many troubles, very dangerous is, that your Lordships abusing the reasons of state, doe punish and imprison the Kings Subjects at your pleasure. It is you my Lords, that when Subiects haue sometimes neede of the Kings prerogatiue, doe then vse the strength of the law, and when they require the law, you afflict them with the prerogatiue, and tread the great Charter (which hath beene confirmed by 16. Acts of Parliament) vnder your feet, as a torne parchment or waste paper.

Counc. Good Sir, which of vs doe in this sort breake the great Charter? perchance you meane, that we haue advised the King to lay the new impositions.

Iust. No my Lord: there is nothing in the great Charter against impositions: and besides that, necessity doth perswade them. And if necessitie doe in somewhat excuse a priuate man *à fortiori*, it may then excuse a Prince. Againe,

the Kings Maiestie hath profit and increase of reuenue by the impositions. But there are of your Lordships (contrarie to the direct Letter of the Charter) that imprison the Kings Subiects, and deny them the benefit of the Law, to the Kings disprofit. And what doe you otherwise thereby (if the impositions bee in any sort grieuous) but *Renouare dolores* ? And withall digg out of the dust the long-buried memorie of the Subiects former intentions with their Kings.

Counc. What meane you by that ?

Iust. I will tell your Lordship when I dare, in the meane time it is enough for me, to put your Lordship in mind, that all the Estates in the World, in the offence of the people, haue either had profit or necessitie to perswade them to aduenture it, of which, if neither be vrgent, and yet the Subiect exceedingly grieued, your Lordship may coniecture, that the House will be humble suitors for a redresse. And if it bee a Maxime in policie to please the people in all things indifferent, and neuer suffer them to be beaten, but for the Kings benefit (for there are no blowes forgotten with the smart but those) then I say to make them Vassals to Vassals, is but to batter downe those mastering buildings, erected by King *Henry* the Seuenth, and fortified by his Sonne, by which the People and Gentry of *England* were brought to depend vpon the King alone. Yea my good Lord, our late deare Soueraigne kept them vp, and to their aduantage, as well repaired as euer Prince did. Defend me, and spend me, saith the Irish Churle.

Queene Elizabeth.

Counc. Then you thinke that this violent breach of the Charter will be the cause of seeking the conformation of it in the next Parliament, which otherwise could neuer haue beene moued.

Iust. I know not my good Lord, perchance not, for if the House presse the King to graunt vnto them all that is theirs by the Law, they cannot (in Iustice) refuse the King all that is his by the Law. And where will bee the issue of such a contention ? I dare not diuine, but sure I am that it will

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tend to the preiudice both of the King and Subiect.

Counc. If they dispute not their own liberties, why should they then dispute the Kings liberties, which wee call his Prerogatiue.

Iust. Among so many and so diuers Spirits, no man can foretell what may be propounded, but howsoeuer, if the matter be not slightly handled on the Kings behalfe, these disputes will soone dissolue, for the King hath so little need of his Prerogatiue, and so great aduantage by the Lawes, as the feare of imparing the one, to wit, the Prerogatiue, is so impossible, and the burthen of the other, to wit, the Law so weightie, as but by a branch of the Kings Prerogatiue, namely, of his remission and pardon, the Subiect is no way able to vndergoe it. This my Lord is no matter of flourish that I haue said, but it is the truth, and vnanswerable.

Counc. But to execute the Lawes very seuerely, would be verie grieuous.

Iust. Why my Lord, are the Lawes grieuous which our selues haue required of our Kings? And are the Prerogatiues also which our Kings haue reserued to themselues also grieuous? How can such a people then be well pleased? And if your Lordship confesse that the Lawes giue too much, why does your Lordship vrge the Prerogatiue that giues more? Nay I will be bold to say it, that except the Lawes were better obserued, the Prerogatiue of a religious Prince hath manifold lesse perils then the Letter of the Law hath. Now my Lord, for the second and third, to wit, for the appointing of Treasurers, and remouing of Councellors, our Kings haue euermore laught them to scorne that haue prest either of these, and after the Parliament dissolued, tooke the money of the Treasurers of the Parliament, and recalled and restored the Officers discharged, or else they haue beene contented, that some such persons should be remoued at the request of the whole Kingdome, which they themselues out of their Noble natures, would not seeme willing to remoue.

Counc. Well Sir, Would you notwithstanding all these arguments aduise his Maiestie to call a Parliament?

Iust. It belongs to your Lordships who enioy the Kings fauor, and are chosen for your able wisdome to aduice the K. It were a strange boldnesse in a poore and priuate person, to advise Kings, attended with so vnderstanding a Councell. But belike your Lordships haue conceiued some other way, how money may be gotten otherwise. If any trouble should happen, your Lordship knowes, that then there were nothing so dangerous for a King, as to be without money: A Parliament cannot assemble in hast, but present dangers require hasty remedies. It will be no time then to discontent the subiects by vsing any vnordinate wayes.

Counc. Well Sir, all this notwithstanding wee dare not advise the King to call a Parliament, for if it should succeed ill, we that advise should fall into the Kings disgrace. And if the King be driuen into any extremity, we can say to the K. that because we found it extreamely vnpleasing to his Maiestie to heare of a Parliament, we thought it no good manners to make such a motion,

Iust. My Lord, to the first let me tell you, that there was neuer any iust Prince that hath taken any advantage of the successe of Councels, which haue beene founded on reason. To feare that, were to feare the losse of the bell, more then the losse of the steeple, and were also the way to beate all men from the studies of the Kings seruice. But for the second, where you say you can excuse your selues vpon the Kings owne protesting against a Parliament, the King vpon better consideration may encounter that fineness of yours.

Counc. How I pray you?

Iust. Euen by declaring himselfe to be indifferent, by calling your Lordships together, and by deliuering vnto you that he heares how his louing subiects in generall are willing to supply him, if it please him to call a Parliament, for that was the common answere to all the Sheriffes in England, when the late beneuolence was commanded. In which respect, and because you come short in all your proiects, and because it is a thing most dangerous for a King to bee without treasure, he requires such of you, as either mislike, or rather

ther feare a parliament, to set down your reasons in writing, which you either misliked, or feared it. And such as wish and desire it, to set downe answeres to your obiections: And so shall the King preuent the calling or not calling on his Maiesty, as some of your great Councellers haue done in many other things shrinking vp their shoulders, and saying, the K. will haue it so.

Counc. Well Sir, it growes late, and I will bid you farewell. onely you shall take well with you this aduise of mine, that in all that you haue said against our greatest, those men in the end shall be your Iudges in their owne cause, you that trouble your selfe with reformation, are like to be well rewarded: for hereof you may assure your selfe, that we will neuer allow of any inuention how profitable soeuer, vnlesse it proceed, or seeme to proceed from our selues.

Iust. If then my Lord, we may presume to say that Princes may be vnhappy in any thing, certainly they are vnhappy in nothing more then in suffering themselues to be so inclosed. Againe, if we may belieue *Pliny*, who tels vs, that 'tis an ill signe of prosperity in any kingdome or state, where such as deserue well, find no other recompence then the contentment of their owne consciences, a farre worse signe is it where the justly accused shall take reuenge of the just accuser. But my good Lord, there is this hope remaining, that seeing he hath been abused by them he trusted most, he will not for the future dishonour of his iudgement (so well informed by his owne experience) as to expose such of his vassals (as haue had no other motiues to serue him, then simply the loue of his person and his estate) to their reuenge, who haue onely beene moued by the loue of their owne fortunes, and their glory.

Counc. But good Sir, the King hath not beene deceiued by all.

Iust. No my Lord, neither haue all beene trusted, neither doth the world accuse all, but beleeue, that there be among your Lordships very iust and worthy men, aswell of the Nobility as others, but those though most honoured in the

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Common-wealth, yet haue they not beene most imployed: Your Lordship knowes it well enough, that three or foure of your Lordships haue thought your hands strong enough to beare vp alone the weightiest affaires in the Common-wealth, and strong enough, all the Land haue found them to beate downe whom they pleased.

Counc. I vnderstand you, but how shall it appeare that they haue onely sought themselues.

Iust. There needes no perspectiue glasse to discerne it, for neither in the treaties of Peace and Warre, in matters of Reuenue, and matters of trade, any thing hath hapned either of loue or of iudgement. No my Lord, there is not any one action of theirs eminent, great or small, the greatnesse of themselues onely accepted.

Counc. It is all one, yonr Papers can neither answer nor reply, we can. Besides you tell the King no newes in deliuering these Complaints, for he knowes as much as can be told him.

Iust. For the first my Lord, whereas he hath once the reasons of things deliuered him, your Lordships shall need to be well aduised, in there answers there is no sophistry will serue the turne, where the Iudge, and the vnderstanding are both supreme. For the second, to say that his Maiestie knowes, and cares not; that my Lord, were but to despaire all his faithfull Subiects, But by your fauour my Lord, we see it is contrary, we find now that there is no such singular power as there hath beene, Iustice is described with a Ballance in her Hand, holding it euen, and it hangs as euen now as euer it did in any Kings dayes, for singular authority begets but generall oppression.

Counc. Howsoeuer it be, that's nothing to you, that haue no interest in the Kings fauor, nor perchance in his opinion, and concerning such a one, the misliking, or but misconceiuing of any one hard word, phrase, or sentence, will giue argument to the King either to condemne or reiect the whole discourse. And howsoeuer his Maiestie may neglect your informations, you may be sure that others (at whom you point

will

will not neglect their reuenges, you will therefore confesse it (when it is too late) that you are exceeding sory that you haue not followed my aduice. Remember Cardinall *Woolsey*, who lost all men for the Kings seruice, & when their malice (whom he grieued) had out-liued the Kings affection, you know what became of him as well as I.

Iust. Yea my Lord, I know it well, that malice hath a longer life, than either loue or thankfulnesse hath, for as we alwaies take more care to put off paine, than to enjoy pleasure, because the one hath no intermission, & with the other we are often satisfied, so it is in the smart of injury and the memory of good turnes: *Wrongs are written in marble: Benefits are (sometimes) acknowledged, rarely requited.* But my Lord, we shall doe the K. great wrong, to judge him by common rules, or ordinary examples, for seeing his Majestie hath greatly enritched and aduanced those that haue but pretended his seruice, no man needs to doubt of his goodnesse towards those that shal performe any thing worthy reward. Nay, the not taking knowledge of those of his owne vassals that haue done him wrong, is more to be lamented, than the relinquishing of those that doe him right, is to be suspected. I am therefore, my good Lo: held to my resolution by these 2, besides the former. The 1, that God would neuer haue blest him with so many yeeres, & in so many actions, yea in all his actions, had he paid his honest seruants with euill for good. The 2d, where your Lordship tels me, that I will bee sorry for not following your aduice, I pray your Lordship to beleeue, that I am no way subiect to the common sorrowing of worldly men, this *Adaxime* of *Plato* being true, *Dolores omnes ex amore animi erga corpus nascuntur.* But for my body, my mind values it at nothing.

Couns. What is it then you hope for or seeke?

Iust. Neither riches, nor honour, or thankes, but I onely seeke to satisfie his Maiestie (which I would haue bin glad to haue done in matters of more importance) that I *haue liu'd and will die an honest man.*

FINIS.

The Authours Epitaph, made *by himselfe.*

Even such is Time, which takes in trust
Our Youth, and Ioy's, and all we haue,
And payes vs but with age and dust,
Which in the darke and silent graue,
When we haue wandred all our wayes,
Shuts vp the story of our dayes:
And from which Earth, and Graue, and Dust,
The Lord shall raise me vp I trust.